

The Concept of Common Humanity and Humanitarian Intervention

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Abstract of Bachelor's Thesis:

The concept of common humanity and humanitarian intervention

This thesis explores the rise in the use of the term 'common humanity' in justifying humanitarian intervention and the effectiveness of its use. The concept of common humanity is a rising phenomenon in international politics which makes it important to critique it. A theoretical analysis of current literature surrounding humanitarian intervention and the concept of humanity is used. The thesis structure starts by establishing the use of the concept in international politics and in particular humanitarian interventions. I then go on to critically analyse the liberal and cosmopolitan thought that gave rise to the concept of common humanity being used in international politics and its justification for humanitarian intervention. The third chapter analyses the criticisms made of the concept from a communitarian, realist, and poststructuralist perspective. Finally, the concept of common humanity is applied to the practical case of humanitarian intervention in Libya, in order to assess its effectiveness and applicability to international politics. The conclusion reached is that the concept has been unsuccessful in practical real world scenarios as demonstrated in Libya. This does not rule out future use of the concept as it can continue to develop into an accepted norm of international politics but in contemporary international politics the term is problematic, and potentially dangerous.

Abbreviations and Acronyms

EU- European Union

ICJ- International Court of Justice

ICTR- International Criminal Tribunal for Rwanda

ICTY- International Criminal Tribunal for the former Yugoslavia

IGO- Intergovernmental Organisations

NATO- North Atlantic Treaty Organisation

NGO- Non Governmental Organisation

NTC- National Transitional Council

RtoP- Responsibility to Protect

UN- United Nations

UNESCO- United Nations Educational Scientific and Cultural Organisation

UNGA- United Nations General Assembly

UNOSOM- United Nations Operation in Somalia

UNSC- United Nations Security Council

UNSMIL- United Nations Support Mission in Libya

US- United States

WWII- World War Two

Introduction

Since its inception the concept and implementation of humanitarian intervention has had a polarizing effect in international relations. Those for and against the use of force for humanitarian purposes have made strong cases for their stance and a wealth of academic scholarship on the subject has emerged. The polarization of opinion has at least partly arisen as a consequence of the failures of humanitarian interventions, as there has not been a case of intervention that has been devoid of criticism, and all humanitarian interventions have had issues regarding their legitimacy and their effectiveness. One issue of particular importance revolves around the way in which the concept of 'common humanity' has been used to legitimise humanitarian interventions. This thesis examines the rise in the concept of common humanity and how this is now being used to push for a world in which universalism is at the fore, where human rights are respected and all states have certain obligations to the international community. This concept implies that there is a unity shared between all people of the world and so when this humanity is violated, for example by the commitment of mass atrocities in conflict situations, there is an obligation to intervene in the state responsible in order to stop the atrocities. These interventions are argued to be humanitarian in nature as the primary goal is to prevent suffering of the local population.

For the purposes of this thesis, humanitarian intervention is defined as, "[a] state using military force against another state when the chief publicly declared aim of that military action is ending human-rights violations being perpetrated by the state against which it is directed." (Marjanovic, 2011, para. 2). Debates over the legitimacy of humanitarian intervention emerged most forcefully in the 1990s. With the collapse of the Soviet Union "[n]ew conflicts arose or old conflicts reappeared that were previously suppressed by the static nature of the Cold War system. In addition, globalization, whose roots can be found in the 1980s, accelerated a development of regional and ethnic upheaval, particularly in the periphery of the international system" (Krieg, 2012, p. ix). The international community sought a solution to the problem:

In face of rising internal conflicts devastating entire regions and populations, the United Nations and the then leading super power, the United States, were seeking new approaches to address these conflicts. The rather state-centric and sovereignty-based international system underwent a regime change allowing for the occurrence of a new phenomenon in international law: military humanitarian intervention. (Krieg, 2012, p. ix).

With the end of the Cold War these principles came to the fore in international politics and a broader enthusiasm for humanitarian intervention followed. This depends upon a strong concept of

common humanity as the presumed obligation to intervene necessarily stems from a sense of universal community and responsibility.

Before exploring the concept of common humanity in depth, some form description and definition is needed to demonstrate what exactly the proponents of the concept mean when they call for the utilization of such a notion in international politics. Philosophers, such as Smart, argue that in the ever globalised world, with more travel and communication between different peoples taking place, cultural and religious barriers are beginning to break down and a greater sense of international community is taking its place. The result of this is the world becoming more open and people are developing more empathy and compassion for others of different religious, cultural, and ethnic backgrounds (Smart, 1981, p. 313). Additionally, after Singer analysed the United Nations Millennium Development Goals, he concluded that the international community is starting to reflect the concept of common humanity as there is much greater emphasis on the welfare of people in distant lands (Singer, 2002, p. 213). These theorists have analysed the contemporary world and believe that the world is becoming a more unified space, with more unified people. Perhaps the best way of capturing the concept of common humanity comes in Orford's critique that:

Universality of human rights solicits a sense of One-ness among the many, in which corporeal boundaries are blurred and bodily borders dissolved. Thus, this fantasy promotes, not difference, but sameness: specifically a shared identity among all rights-bearers, each having the same claim to the procedural safeguards and substantive entitlements which rights grant (Orford, 2003, p. 212).

Because of this 'sameness', states and people see themselves as part of a world defined by universalism.

Kofi Annan, who is further discussed later, describes the potential for international politics to be governed by the concept of common humanity. When the Responsibility to Protect (RtoP) became an aspirational part of the UN in 2005, Annan spoke of the opportunity the world had to transform itself into one common entity, arguing that "common interest... should bind all States together... as should... our common humanity" (Annan, 2005, p. 3). It was argued that this interconnected world, founded upon universalism, would strengthen world security and enhance all states' interests (Annan, 2005, p. 6). The concept of common humanity is, therefore, built upon the belief that humanity transcends international borders; it is what should be guiding international politics. This becomes pertinent when a state engages in acts of violence that breach the expected standards attached to the concept of common humanity.

Kofi Annan summarizes the concept of common humanity best. At the United Nations General Assembly in 1999 Annan stated, “[i]f humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?” (Annan, 2000, p. 48). At the same assembly responding to the inaction of Rwanda and reaction to Kosovo it was made clear that, “[we must] [f]ind common ground in upholding the principles of the Charter, and acting in defence of our common humanity” (ICISS, 2001, p. 2). Elaborating on this, he alluded to when there is an obligation to intervene for the concept of common humanity:

Humanitarian intervention is a sensitive issue... [b]ut surely no legal principle – not even sovereignty – can ever shield crimes against humanity. Where such crimes occur and peaceful attempts to halt them have been exhausted, the Security Council has a moral duty to act on behalf of the international community. The fact that we cannot protect people everywhere is no reason for doing nothing when we can. Armed intervention must always remain the option of last resort, but in the face of mass murder it is an option that cannot be relinquished. (Annan, 2000, p. 48).

The belief the proponents of the concept of common humanity hold is that all people are holders of human rights. This goes beyond holding legal status; it is embedded in their ‘person’. Thus, traditional concepts of sovereignty and international law need to be flexible in order to reflect this concept of common humanity.

A variety of other ideas stem from Annan’s arguments based on the concept of common humanity, including the claim that there is a willingness from the populaces of states to heed this call of common humanity. From this perspective, all people are under the auspices of a state and in that regard all people share the same existence, being subject to a greater authority. Because of this, the notion that people suffering in distant lands is ‘none of our business’ is rejected as all people live under a sovereign state and this ties us together (Edkins, 2003, p. 256). Being subjects of a government, in other words, creates a form of solidarity, to the extent that when someone sees people suffering at the hands of a state they respond out of a protest against the system we are all a part of (Edkins, 2003, p. 256).

An alternative explanation of people acting because of the concept of common humanity is altruism. Monroe, in an important work, defines altruism as acting to help someone regardless of the consequences to the actors well being (Monroe, 1996, p. 6). Such a perspective requires a sense of identification that ultimately transcends attachments to any form of gender, religious, national, and ethnic group (Monroe, 1996, p. 204). This strong belief of belonging to humanity results in people

participating in altruistic acts (Monroe, 1996, p. 206). The testimony of people that have acted altruistically provides evidence that some people do see themselves as part of common humanity. These examples are, however, all at the individual level, not the state level.

This provides a brief background to the topic introducing the phenomenon of humanitarian intervention and its relationship to the concept of common humanity. This thesis examines how humanitarian interventions have been justified on the grounds that other states have committed human rights abuses that have violated our common humanity. This phenomenon has gradually emerged in international politics and is in need of critical assessment in order to establish its usefulness to international politics.

Research Questions

This thesis has been undertaken as it is important to critique the emerging concept of common humanity in international politics. The emergence of the term has raised important questions that need to be considered. The first question that arises is where has the term come from and its current standing in international politics? Secondly what are the theoretical stances on the concept is there support for the term or is it criticized? Once the foundational work of the thesis is in place a case study is used in order to analyse the practicality of deploying this theoretical concept. What are the practical implications of using such a concept to guide international politics? Can it be successfully implemented or does it face difficulties? If it is utilized in a practical situation is it successful, or unsuccessful, and why? These are the sort of questions that the thesis seeks to answer in order to better understand the politicization of the concept of common humanity and its applicability to international politics.

Methodology

This thesis is composed of a theoretical analysis which is then illustrated by reference to a case study. The first three chapters focus on analysing the concept of common humanity by examining the positions of prominent thinkers both supportive and critical of the concept. As such, these chapters function as an extended literature review, providing an overview of the most influential writers on the concept of common humanity and drawing out the key themes and ideas surrounding the subject. Additionally, there has been little research that has directly explored the relationship between the concept of common humanity and humanitarian intervention so there is not much literature to set the scene. Krieg (2012), Wheeler (2005), are amongst the few theorists who make direct references to the concept, while others refer to it in passing. However, there are not

substantive studies that explore the concept. Because of this the first few chapters piece together the emergence of the concept of common humanity and its standing in international politics.

The final chapter analyses a practical example of the use of the concept of common humanity in the form of a case study on Libya. A case study analysis is a useful way in testing the concept of common humanity in international relations. This is an effective way of assessing the strengths and weaknesses of the deployment of a theoretical concept to a practical situation. The case study analysis used in this thesis takes the form of a theory-infirming study. This type of case study is one that raises doubts about the viability of a theory.

Outline of Thesis

This thesis is structured around a detailed study of the theoretical arguments for and against the concept of common humanity and a case study designed to illustrate the benefits and challenges of the concept in a practical situation. The first chapter establishes the emergence of common humanity and the attempt at codification into international politics through the Responsibility to Protect. The subsequent two chapters detail the theories of those who support the concept of common humanity and those who are critical of it. Finally, the last chapter is a case study on Libya and explores the applicability of deploying the theoretical notion of common humanity to practical interventionist military operations.

The first chapter establishes the concept of common humanity and how it has been used to justify humanitarian interventions. The emergence of the concept was gradual, with it slowly gaining momentum until it became especially prominent in the 1990s. This culminated with the Responsibility to Protect, which aims toward the codification of the concept of common humanity in international norms and laws. The primary purpose of this chapter is to establish the existence of the concept of common humanity and demonstrate that it has been invoked in international politics. The detailed theoretical analysis of the concept comes in the subsequent chapters.

The second chapter examines the proponents of the concept of common humanity and its implementation in interventions. Liberalism and cosmopolitanism are the key strands of thought that support universal values in international politics and belief that they can be spread throughout the international system. There is the belief that international politics should be formed around a universal conception of humanity as this notion of humanity is applicable to all human beings. Such is the commitment to the belief in universalism there is support for humanitarian intervention when a state violates these universal values and 'shock the conscience of humankind'.

However, there is criticism of the concept of common humanity being used in international politics and in justifying humanitarian intervention. The criticism comes from those that believe the use of humanity is not something desirable in international politics. This chapter approaches the concept of common humanity from a communitarian, realist, and poststructuralist position. There is criticism of the concept of humanity from a theoretical foundation, which emphasises difference in international politics and rejects that there is a universal conception of humanity. The rejection of common humanity means that from a practical point of view the concept can lead to the exploitation of those who hold a different sense of identity, values, and morality. These critics are obviously not against humanity uniting to tackle world issues together but are sceptical about the implementation of humanity in international politics, believing it to be too forceful. Because of the scepticism towards the concept there is a reluctance to embrace humanitarian intervention based upon the grounds of common humanity.

After establishing the tension and controversy surrounding the use of the term common humanity in justifying interventions, the final chapter is a case study illustrating the difficulties of the concept of common humanity in action. In 2011 Libya fell into a civil war after protests turned violent. The UN Security Council authorized military intervention, calling upon the Responsibility to Protect as a legitimate claim to intervene, Resolution 1973 authorized the UN to “take all necessary measures to protect civilians and civilian populated areas under threat of attack” (United Nations Security Council: Resolution 1973, 2011, p. 3). However, other reasons for the intervention were also cited showing that it is not possible to intervene solely because of humanitarian concerns. The intervention in Libya was hailed as a success of RtoP and humanitarianism in the immediate aftermath by some commentators, such as James Pattison (2011, p. 273), Ramesh Thakur, and Thomas Weiss (as cited in Graubart, 2013, p. 70). However, this was premature, with the situation quickly descending into chaos. Upon closer inspection the principles of common humanity were not well represented in the practical application of military force. The intervention showcases the pitfalls of common humanity when it is taken from theoretical debates and practically applied in international politics.

The aim of this research is to critically explore the concept of common humanity, as it is an easy way of legitimising interventions by calling upon our common human decency in order to stop atrocities being committed in the world. There has emerged a new way of justifying war in international politics but it is concerning that the method of legitimizing war draws from humanitarianism, two rather incompatible phenomena; the suffering of powerless people is used as a mobilizing tool for war. Without critiquing the use of common humanity as a justification for war, it might remain an

unquestioned part of international relations. On the surface the notion of fighting for the welfare of citizens who are powerless to help themselves sounds noble and ethical, but in reality the situation is much more complicated. The question that arises is whether or not the concept of common humanity can successfully or usefully be deployed in a situation concerning humanitarian intervention.

Chapter One: Introduction: Political Uses of Common Humanity in International Relations and the Rise of the Responsibility to Protect

In this chapter I will demonstrate that common humanity, the human conscience, and crimes that shock the conscience of mankind are all concepts that have risen into the sphere of international politics in response to gross human rights violations. These terms are used to appeal to our sense of togetherness and challenge the international community to stop these atrocities, with military force if need be. Secondly, I will examine the rise of these concepts. The formation of the United Nations was important for the concept of common humanity as it marked a turning point in international relations with inter-governmental institutions rising to the fore. Since the end of the Cold War the importance placed in a cooperative international community has grown further and there has been the emergence of invoking the concept of common humanity or human conscience in order to justify humanitarian interventions. Finally I will look at the emergence of the Responsibility to Protect, or RtoP, which stands as the most prominent doctrine of intervention premised on universal values and a sense of common humanity today.

Part One: Establishing Common Humanity in International Politics

The political use of the term common humanity came to the fore in the 1990s with humanitarian interventions being justified on moral grounds. In the 1990s the interventions into Somalia, Bosnia, and Kosovo, were all justified on grounds of morality, invoking rhetoric in line with common humanity, and human conscience. Since the end of the Cold War the international community has been more concerned with humanitarian intervention with a focus on relieving the suffering of victims of internal conflicts or disasters (Hoffmann, 1993, p. 8). This has continued into this century with more interventions being justified on humanitarian grounds as will be seen in the case of Libya in chapter four. The way humanitarian interventions have been justified demonstrates that the concept of common humanity has been used extensively in international politics.

The enthusiasm for humanitarian intervention in the early 1990s was exemplified by the mission in Somalia. In 1992 the UN Security Council passed a resolution allowing the deployment of troops into Somalia in order to ensure that humanitarian assistance would not be intercepted by Somali war tribes and get through to those that needed it. Secretary General Boutros Boutros Ghali believed that it was necessary to send a military force in order to keep stability while aid was given to those that required it. This operation was named UNOSOM ("United Nations Operation in Somalia I (UNOSOM I) " n.d.). President George H. W. Bush addressed the nation stating that the United States

was “doing God’s work”, and that there was an obligation to help: “[t]he people of Somalia, especially the children of Somalia, need our help. We must give them hope. America must act” (“Address on Somalia (December 4, 1992) George H. W. Bush,” 2015, para. 7). The objective of the mission was labelled humanitarian, with the US government claiming that they had witnessed shocking images from Somalia but they had the ability to save thousands of innocent people from death (“Address on Somalia (December 4, 1992) George H. W. Bush,” 2015). The rhetoric given by the United States in regards to Somalia is very much in line with the concept of common humanity. President Bush’s speech alludes to ‘conscience shocking acts’ when he states the shocking nature of the imagery that the United States had witnessed on television as well as the ability for the United States to help those that could not protect themselves. In the months after the intervention, the then US Permanent Representative to the UN, Madeline Albright, stated that “[t]hese are missions that must be undertaken for the sake of common humanity” (US Department of State, 1993, para. 23). Additionally, UNESCO held a symposium on the future of Somalia in regards to ways Somalia could be rebuilt, rehabilitated, and reintegrated into the international community, declaring that, “peace building, an activity concerning the human conscience... is a task which is incumbent on UNESCO” (Sayyad, 1995, para. 1). The concept of common humanity was not only invoked to justify the intervention, it was also used in regards to post intervention Somalia. This was widely considered to be the first example of humanitarian intervention in the post Cold-War world but it would certainly not be the last.

The war in Bosnia waged between April 1992 and December 1995 was a civil war built on ethnic divisions. The international community, particularly Western states, were slow to respond to the atrocities although various NGOs and IGOs pushed states to acknowledge that genocide was occurring (Campbell, 2001, p. 60). The rest of the international community followed suit, in 1992 the United Nations General Assembly passed a resolution claiming that the ethnic cleansing occurring was a form of genocide (Campbell, 2001, p. 60). In 1993 the International Court of Justice ordered Serbia and Bosnia to stop acts of genocide, stating that “[g]reat suffering and loss of life has been sustained by the population of Bosnia-Herzegovina in circumstances which shock the conscience of mankind and flagrantly conflict with moral law” (“World Court reaffirms Bosnia genocide order,” 1993, para. 5). State leaders also chipped in, with President Clinton stating, “I think it is a challenge to all of us, to the United States and to the West to take further initiatives in Bosnia and I accepted it as such... We must find in our diversity our common humanity” (Benac, 1993, para. 10-12). Clinton drew on the sentiment of the concept of common humanity claiming that, “liberty, democracy and peace are more and more the aspirations of people everywhere in the world. It is the power of our ideas, even more than our size, our wealth and our military might, that makes America a uniquely

trusted nation" ("Transcript of President Clinton's speech on Bosnia," 1995, para. 6). Despite the condemnation of the events unfolding in Bosnia, it took until 1995 for the international community to respond with military force to the crisis, taking the form of NATO airstrikes (Campbell, 2001, p. 66). In the aftermath of the genocide the UN Security Council created the International Criminal Tribunal for the former Yugoslavia, with Judge Goldstone bringing charges of crimes against humanity and genocide against Serb leaders as well as war crimes against all three parties fighting (Campbell, 2001, p. 62). As in Somalia, the reaction to atrocities in Bosnia was heavily premised upon the concept of common humanity.

In relation to the NATO-led Kosovo intervention in 1999, Clinton stated that the United States would act in order to protect thousands of innocent people in Kosovo ("Clinton's Statements on Kosovo," 1999), and that, "[i]f the world community has the power... we ought to stop Genocide and ethnic cleansing." (Campbell, 2001, p. 89). The US and NATO began military operations against Milosevic, with Clinton appealing to common humanity, arguing that "Americans, Europeans, Serbs, Kosovars- must join together... and to start accepting that our differences are less important than our common humanity" ("The White House", 1999, para. 13). In justifying the actions of NATO, Clinton stated that, "[w]hat NATO did here this weekend was to reaffirm our commitment to a common future, rooted in common humanity. Standing against ethnic cleansing is both a moral imperative and a practical necessity" ("Transcript of Clinton Remarks at Close of the Washington Summit," 1999, para. 5). Other NATO allies also used the rhetoric of universal values. Tony Blair, for example, stated, "[t]his is a just war, based not on any territorial ambitions but on values. We cannot let the evil of ethnic cleansing stand." (Hehir, 2012, p. 37). The atrocities taking place in Kosovo were met with condemnation, even if the response was belated. There was a clear emphasis on preventing further atrocities being committed that violated the universal values of common humanity.

The concept of common humanity was invoked in humanitarian interventions during the 1990s and would continue to be invoked in subsequent interventions. The proponents of the concept of common humanity saw Kosovo as a turning point from states being interested solely in their interests to showing a universal concern for human security and a move towards a global civil society (Hehir, 2012, p. 37). Even in Iraq, after weapons of mass destruction were not found following the 2003 US-led invasion, the focus then shifted to justifying the war on humanitarian grounds. The United States justified the intervention on the grounds that Saddam was committing gross human rights abuses and was a dictator that had to be removed in order for democracy and human rights to replace his tyranny (Kahler, 2011, p. 21). This is the same rhetoric that was used in line with other humanitarian interventions in previous circumstances, as has been established in

Somalia, Bosnia, and Kosovo (Kahler, 2011, p. 21). This section has demonstrated that the concept of common humanity has been a significant part of the international community's rhetoric justifying humanitarian interventions. This was also the case in Libya, which is the case study that I will later explore in depth where the concept of common humanity was invoked.

Part Two: The Rise of Common Humanity

It has been established that the concept of common humanity has been used in international politics, but where did this term come from? Having established the references to common humanity in justifying humanitarian interventions, it is necessary to consider the origins of the concept. There have been barbaric acts committed throughout history and although the word 'genocide' was not coined until 1944, it is obviously not a new phenomenon. The twentieth century stood out because of the way in which the international realm was structured. There was a shift from independence to a world built upon interdependence with the terms such as 'civilization' and 'humanity' frequently being used to describe the contemporary world (Campbell, 2001, p. 17). Post World War Two was a time when state sovereignty began to be questioned and human rights started to be put into international declarations (Powell, 2012, p. 303). All of the following played an important role in establishing the importance of individual rights in the international arena: the 1948 Universal Declaration of Human Rights, the four Geneva Conventions and two Protocols on international humanitarian law in armed conflict, the 1948 convention on the prevention and punishment of the Crime of Genocide, the 1966 International Covenants on Civil, Political, Social, Economic and Cultural Rights, as well as the 1998 Rome Statute, and the Ottawa Convention on landmines (Welsh & Banda, 2010, p. 216). After the Second World War, the allies saw collective security as the best way to avoid a future world war and to avert genocide and other atrocities (Campbell, 2001, p. 18). The foundations for the rise of common humanity were created in the aftermath of the Second World War, however, it was not until the close of the Cold War that the idea really took off. There was a new found opportunity for human rights to take precedence over other affairs as there were no interstate conflicts taking place between major powers.

Stepping back, first of all, to the pre-WWII period, a major step for the concept of common humanity entering into international politics was the Martens Clause, and from there various important events led to it gathering further significance. The Martens Clause was an early example of the concept of human conscience, or common humanity being used in a legal sense. The aim of the clause was to serve the cause of humanity (Pustogarov, 1999, p. 127). The Martens Clause was part of the Hague Conventions of 1899, a pioneering piece of international law as it was an early example of the world

powers coming together to create laws in regards to conflict and international relations. The Martens Clause was altered by the time of the 1905 Hague Conventions and it read:

Until a more complete code of the laws of war is issued, the High contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience. ("The Avalon Project - Laws of War," n.d., para. 8)

The Martens Clause is referring to the rules of conflict established from customary international law, specifically stating how citizens should be treated if they take up arms against an occupying force. However, the importance to my thesis lies in the terminology used in this declaration. It implies that there is a universal standard of morality by referring to the principles of customary law that are created by civilized nations, the laws of humanity, and the public conscience (Pustogarov, 1999, p. 131). The Martens Clause was a very early example of the concept of common humanity being referred to in international relations and it would not be the last as it would emerge again during the First World War.

Early in the twentieth century mass atrocities were committed by the Ottomans against Turkish Armenians that subsequently led to a failed tribunal against the perpetrators. The Armenian Genocide of 1915 resulted in the deaths of between 800,000 and 1.5 million Armenian civilians (Campbell, 2001, p. 17; Bloxham & Göçek, 2008, p. 345). This sparked outrage through parts of the international community. British Prime Minister W.E Gladstone , for example, called upon the British people and organizations to help the Armenian people, stating that the British should help out of the "language of humanity, justice and wisdom" (Tusan, 2014, p. 13). In May 1915 Europe released a joint declaration accusing Turkey of 'crimes against humanity and civilization', with this being the first time a state was accused of committing crimes against humanity in regards to a civilian population (Tusan, 2014, p. 14). Following the end of the war and the resulting Paris Peace Conference and treaty of Sèvres, the allies created the Ottoman War Crimes Tribunals that had a 'vague' and 'flimsy' legal case for the prosecution (Malta Independent, 2012). These spanned from spring 1919 to July 1922. By spring 1919, the Ottomans, at the request of the British, "had arrested more than 100 high-profile suspects including government ministers and military officers." (Tusan, 2014, pp. 14-15). However, "[t]he lack of concrete evidence and an appropriate legal framework with supranational jurisdiction resulted in the Turkish detainees being repatriated and freed in exchange for 22 British prisoners held by Mustafa Kemal." (Malta Independent, 2012, para. 2). The Turkish authorities convinced the British that they would bring those guilty to justice and so were

left to try the guilty through their own courts. Three officials were executed and a further sixty-three cases were made but only a small percentage were convicted and most of those that were convicted never served time (Tusan, 2014, p. 14). This was an early stepping stone for the concept of common humanity and for states being accountable to the international community. There were obvious issues with the tribunals as the international community was not effective in trialling members of another state but there were important steps made towards the concept of common humanity by using the term 'crimes against humanity and civilization'. This demonstrated the idea that people are endowed with certain rights that cannot be violated by states.

The notion of crimes against humanity came to the fore in the aftermath of the Second World War, when the International Military Tribunal (IMT) was created to prosecute the members of the Nazi party who were accused of participating in the Holocaust and other international crimes. The tribunal was decided upon in the London Agreement 8 August 1945 just before the UN Charter came into force, on 24 October 1945, which resulted in the tribunal being left to the allied victors. Great Britain, France, the Soviet Union, and the United States were the four states left to ensure justice was carried out on behalf of the international community (Rhea, 2008, p. 362). The notion of crimes against humanity came to the fore in this tribunal: "[f]or the first time in history high-ranking leaders of the Nazi regime, and military and civilians of all ranks who were known to be associated with crimes against the peace, war crimes, and crimes against humanity, were deemed accountable for their acts." (Rhea, 2008, p. 362) This was a way in which the perpetrators of the crimes could be punished for the actions against their victims but also the wider international community. The actions of the Nazis were so depraved that the whole international community was a victim, it was argued (Rhea, 2008, p. 361). The tribunal was not without its critics, and "[t]he very notion that the winners of World War II prosecuted the losers still haunts the IMT today as 'victors' justice' has become almost synonymous with Nuremberg" (Rhea, 2008, p. 362). However, despite the criticism, this was the first example of prosecuting people for committing crimes against their own people as it was not previously illegal in international law, and set a precedent for the future (Renzo, 2012, p. 446; Sadat, 2013, p. 337). The precedent of the international community trying those of another state was an important step in the development of common humanity thinking, as were the Nuremberg Principles.

The Nuremberg Principles came out of the International Military Tribunal at Nuremberg which guided the future of international law regarding conflicts. It took time for the Nuremberg Principles to emerge from the aftermath of the tribunal with them eventually becoming part of international law in 1950 after they were ratified by the United Nations (The Nuremberg Principles, 1950).

Principle One established the importance of international law over other states, reinforcing the importance of the international community: “[a]ny person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment” (The Nuremberg Principles, 1950). Principle Six is also important as it introduces the notion of crimes against humanity alongside the ‘crimes against peace’, and ‘war crimes’. The article on crimes against humanity details what constitutes a breach of international law:

Murder, extermination, enslavement, deportation and other inhuman acts done against a civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime (The Nuremberg Principles, 1950).

In summary the three main elements of the International Military Tribunal at Nuremberg that were incorporated into international law were: crimes against peace, war crimes, and crimes against humanity with these all applicable to present and future United Nations members (The Nuremberg Principles, 1950). In response to the atrocities committed by the Nazi regime the allied powers responded with a clear statement of what constituted an atrocity by creating the Nuremberg Principles. These principles reflect the values of common humanity with the IMT setting the precedent in regards to international criminal law, as well as humanitarian and human rights law (Rhea, 2008, p. 371). The atrocities committed in the Second World War mobilized the international community to ensure that events such as the Holocaust would never happen again. There was greater commitment to universal principles post WWII than post WWI.

The establishment of the UN after the Second World War signalled the start of an international order that had an emphasis on universal values. The UN Charter was signed on 26 June 1945, with the UN being formed on 24 October 1945. The UN Charter contains a number of articles that align with the concept of common humanity. Article One outlines the guiding principles and values of the UN:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends. (Charter of the United Nations, 1945, p. 3).

The UN Charter outlines that the international community should acknowledge that all people of the world are embedded with the same rights and that these should be respected by the international community.

The post-WWII world saw the seeds of common humanity taking shape. On December 10, 1948, the Universal Declaration of Human Rights was passed by the United Nations General Assembly. The Universal Declaration of Human Rights refers to a human conscience encompassing all of humankind that had been 'outraged' by the barbarous acts committed during the Holocaust. In addition it stressed in the preamble that human rights should be protected by the rule of law (Van Dijk, Flinterman, & Janssen, 1998, p. 1). The declaration detailed that "[a]ll human beings are born free and equal in dignity and rights." (The Universal Declaration of Human Rights, 1948, art. 1). As well as this, "[e]veryone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (The Universal Declaration of Human Rights, 1948, art. 2), and finally, "[e]veryone has the right to life, liberty and security of person" (The Universal Declaration of Human Rights, 1948, art. 3). This introduced universal standards to all people and reflected the notion that there was common humanity amongst all people and this should be shown in the form of an international declaration.

After the groundbreaking events of the formation of the UN, the acceptance of the Universal Declaration of Human Rights, and the post Second World War military tribunals, there was a lull in the movement of humanitarian values. Many cases of atrocities being committed were ignored as there were more state-specific concerns at the time. For example, during this time the Soviet Union killed millions of people, and even if the broader international community had known about the Gulags there still would not have been any talk of an intervention during this time of tension between the two hegemonic powers (Werth, 2008, p. 400). Mass atrocities were also happening in China under Mao Zedong during the Cold War period, but remained relatively inconsequential in international politics, despite estimates suggesting that between 44 and 72 million people were killed during Mao's reign (Margolin, 2008, p. 438). To exemplify the lack of interest in human rights, common humanity, and humanitarian intervention during the Cold War, the United States Secretary

of State George Shultz actually criticized the Australian Foreign Minister, Bill Hayden, for his efforts in trying to indict the leading members of the Khmer Rouge for crimes against humanity (Kiernan, 2008, p. 481). All of these examples demonstrate humanitarianism was largely put to one side during the Cold War period.¹ As a consequence of the veto power maintained by the two power blocs, the Security Council was paralyzed, leaving it unable to uphold human rights laws, and the prohibitions against genocide, crimes against humanity, and crimes of aggression (Campbell, 2001, p. 20). This is not to say that there were no declarations on the status of human rights during the Cold War, but they were not as frequent.

Protocol II of the Geneva Conventions, first tabled in 1949 but not entering into force until 1978, was one such example of a treaty signed during the Cold War. This concerned the plight of civilians caught in the crossfire of civil wars, introducing humanitarian concerns towards those in intra-state conflicts who were previously considered to be out of the jurisdiction of the international community (Protocol II Additional to the Geneva Conventions of 12 August 1949, 1978). This protocol stressed that human rights offered protection from abuse and in cases where the law does not apply “the human person remains under the protection of the principles of humanity and the dictates of the public conscience” (Protocol II Additional to the Geneva Conventions of 12 August 1949, 1978, para. 4). This draws upon the notion of a human conscience and common morality by calling upon our ‘human’ principles in order to protect those in conflict zones. However, despite all of these declarations, the idea of humanitarian intervention was specifically ruled out with the words, “[n]othing in this Protocol shall be invoked as a justification for intervening, directly or indirectly... in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.” (Protocol II Additional to the Geneva Conventions of 12 August 1949, 1978, art. 3.2). Despite this, Protocol II still adds further evidence that there was a continued shift towards common humanity in international politics.

This was made further apparent in the Helsinki Accords that were signed in 1975 stressing the importance of human rights. The accords state, “[t]he participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.” And further to this “participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights.” (Conference on Security and Co-operation in Europe, 1975, pp. 6-7). However, the focus of this was on Europe and relieving tensions during the Cold War

¹ There were examples of Vietnam intervening in Cambodia and India in East Pakistan during this period but they were not authorized by the international community.

between the West and the Eastern Bloc rather than on the status on human rights worldwide with this being made apparent by the conference only concerning Europe, North Africa, the US and Canada (Conference on Security and Co-operation in Europe, 1975, p. 2). Even so, this demonstrates that human rights were still of concern during the Cold War, they were just overshadowed by the superpowers being more concerned with their own potential humanitarian disasters than the problems of the outside world.

With the end of the Cold War there was an absence of super power tension so attention could be given to other issues that affected the international community:

Against the background of the disintegration of the Eastern Bloc, the disappearance of the 'Communist peril' and early traces of globalization, the leaders of the United Nations and the Western powers were seeking a new approach to international relations in an arena that was believed to have the potential to become more peaceful and more stable. (Krieg, 2012, p. 133).

The 1990s saw thousands of people dead as a result of genocides that had a great impact on the international community leading to changing perceptions in regards to intervening in other states' affairs. In Bosnia, between 1992 and 1995, over 200,000 people were killed as a result of ethnic cleansing, while during a ten week spell in 1994 Rwanda experienced the loss of approximately 800,000 people (Campbell, 2001, p. 1). These atrocities would go on to affect policy makers of states and the United Nations significantly. The Vienna Declaration ratified by the General Assembly on 25 June 1993 was the first piece of treaty law produced in the 1990s that represented the notion of common humanity, but it would not be the last. It reiterated the intentions of the UN Charter and the Universal Declaration of Human Rights, claiming that "all human rights derive from the dignity and worth inherent in the human person" (Vienna Declaration and Programme of Action, 1993, para. 2). The declaration also says that all states are charged with the responsibility to conform to the UN charter, "to develop and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" (Van Dijk et al., 1998, p. 137). The Vienna Declaration was a statement of intent following the Cold War; it reaffirmed the intention of the United Nations to enforce human rights for all based on the belief that there existed common humanity between all peoples. However, despite all of the declarations marking a shift towards the concept of common humanity, the cases of Bosnia and Rwanda highlighted the difficulties in applying the concept to a scenario in the real world.

As discussed above, the response to the atrocities being committed in Bosnia was slow but gradually the international community reacted, condemning the perpetrators and putting a select few of them

on trial. However, despite being indicted for genocide there was a lack of prosecution against the perpetrators of the crimes, especially with the case of Milosevic (Campbell, 2001, p. 86). The legal verdicts given at the end of the tribunals demonstrated the lack of a legal framework that could be used to try individuals. In fact, the ICTY and ICJ had difficulty in coming to a decision in regards to genocide having been committed and only those killed at Srebrenica were deemed to have been victims of genocide (Hayden, 2008, p. 506). The failure to prosecute those that had committed atrocities and the time it took to respond to the atrocities alerted the international community to the need for reform.

Rwanda was another instance where there was not an immediate response to the atrocities being committed, but the aftermath had a significant impact on the international community's position in regards to humanitarian intervention and the concept of common humanity. During the genocide the international community did not intervene in an attempt to stop the genocide and the United States would later claim ignorance of the situation, although reports indicate that they were well aware of the situation and chose not to act as it was not in their interests (Campbell, 2001, p. 79). However, in the aftermath the ICTR was created to prosecute those in high up positions that participated in the planning of genocide, although the tribunal was criticized for its corruption, expense, disorganisation, and slow pace (Straus, 2008, p. 535). As with Bosnia, there were many issues with the legal proceedings, and the continued failure of *ad hoc* military tribunals led to change, although it would not be until 1998 that the Rome Statute was passed and the ICC formed declaring that murder, enslavement, torture, rape, and enforced prostitution all to be considered crimes against humanity (Renzo, 2012, p. 443).² The atrocities committed during the Rwandan genocide were not met with a strong response from the international community at the time but it did lead to international guilt over the situation. This manifested itself in discourse surrounding humanitarian intervention and the concept of common humanity.

In response to the lack of a response in Rwanda and the belated response in Bosnia the international community reacted quicker to the atrocities being committed in Kosovo. The NATO allies were concerned about the same thing happening in Kosovo as happened in Bosnia (Campbell, 2001, p. 93). In September of 1998 the United Nations Security Council demanded that the Serbians stop all offensives against civilians in Resolution 1199, and when they did not the United Nations Security Council authorized a NATO bombing campaign (Campbell, 2001, pp. 87-88). There was no legal right

² This formed the International Criminal Court replacing the *ad hoc* military tribunals of the 1990s (Campbell, 2001, p. 100).

to intervention being invoked but it did get acceptance from the wider international community with it being described as morally justified even if it was not legal (Kahler, 2011, p. 25). This was a big step for the concept of common humanity entering into international politics; the international community decided it would not sit idly by while atrocities were committed. In light of the events in Kosovo there was the potential for normative consensus to shift towards making humanitarian intervention legal, drawing from the notion of common humanity (Stromseth, 2003, p. 233). Kofi Annan and the ICISS would take up this opportunity.

Certain deeds have long been considered outside of human decency, but the idea of codifying the notion of humanity into international law and applying it to international politics has only really been considered for a hundred years or so. The end of the Second World War was the catalyst for the shift towards promoting common humanity in international relations. After the Second World War the General Assembly and the International Law Commission both acknowledged the existence of crimes against humanity, and by 1993 the Vienna Declaration and Programme of Action, signed by 193 countries, declared that human rights were universal and were a birthright, although individual states were still considered responsible for upholding the human rights of their citizens and not the international community (Duke, 1994, p. 38). Despite this, there was no further codification of crimes against humanity until the tribunals in the 1990s concerning the former Yugoslavia and Rwanda, the International Criminal Tribunal for Yugoslavia and the International Criminal Tribunal for Rwanda respectively (Sadat, 2013, p. 341). The cases of genocide, or ethnic cleansing, in the 1990s demonstrated to the international community an inability to understand the gravity of the situations or to coordinate an adequate response (Campbell, 2001, pp. 99-100), and in response Kofi Annan campaigned for the promotion of human rights and a stop to genocide, ethnic cleansing and other crimes that 'violate our common humanity' (ICISS, 2001, p. VII). Annan used his position on the UN to campaign for a framework in which humanitarian intervention could be legitimised; this took the form of The Responsibility to Protect.

Part Three: Common Humanity and the Responsibility to Protect

The Responsibility to Protect (RtoP) was the culmination of years of concern about the atrocities being committed by states against their people. RtoP distinguishes itself from the previous declarations, mentioned above, that promote human rights as it attempts to provide a framework in which the international community can intervene in an outside state in order to uphold human rights. RtoP took a while to establish itself in international politics but by 2005 over 150 governments at the UN World Summit adopted it as part of the outcome documents (Piiparinen,

2012, p. 410). This was when RtoP went from being a proposal to it being a declaration representing the values of the UN. It is built upon the foundations of common humanity and for this reason it represents an important step in international politics.

An important part of RtoP is that it authorizes the use of military force if all other avenues have been exhausted, which to some extent clarifies the ambiguity of the United Nations Charter's position on intervention. The UN Charter still remains superior to all other international law as demonstrated in Article 103 of the UN Charter; "[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." (Charter of the United Nations, 1945, p. 19). Yet the United Nations Charter does contain a contradiction which has led to much debate surrounding the concept of common humanity and its importance to the international community. The charter proposes two concepts that are incompatible with each other. On the one hand the United Nations was created with the hope of building a world based upon collective security whilst maintaining that each state is free to rule from outside influence (Czernecki, 2002, p. 393). The preamble to the UN Charter clearly demonstrates this tension, there is a commitment to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person" in addition to promising to "practice tolerance and live together in peace with one another as good neighbours." This has created a political dilemma: "[h]ow should states behave in cases where maintaining faith in human rights meant refusing to be a good neighbour to genocidal and tyrannical states?" (Bellamy, 2013, p. 9). It is clear that the UN Charter supports both universal rights and state sovereignty without acknowledging that these two concepts may clash. If human rights are being violated by a state one of the only ways to stop them is by intervening which violates the sovereignty of the state in question, alternatively if human rights are being violated and the rest of the world looks on without an intervention then the sovereignty of the state in question is being upheld but the United Nations provisions about human rights are not being upheld.

Regarding humanitarian intervention, cases have been made both for and against legitimacy based upon what the UN Charter states. The non-interventionists look towards Articles 2(4) and 2(7) that suggest that there is no legality in launching an intervention, with these two articles stating that it is prohibited to use, "the threat or use of force against the territorial integrity or political independence of any state", and that states cannot involve themselves in affairs, "which are... within the domestic jurisdiction of any state" (Czernecki, 2002, pp. 395-396). Many agree with this position, alluding to the numerous declarations promoting state sovereignty (Enabulele, 2010, pp. 417-418), and yet others disagree.

The other side of the argument favours intervention and argues that the UN Charter does permit humanitarian intervention. Many see the human rights elements of the United Nations Charter as being intended to stop events such as the Holocaust from happening again and cite Article 55 as proof that there is indeed a responsibility to observe the rights of human beings and Article 56 to enforce that these rights are upheld by the international community (Czernecki, 2002, p. 397). Added to this Article 2(4) makes force with an unlawful purpose illegal, whilst other forms of force are acceptable, potentially opening the way for humanitarian intervention (Czernecki, 2002, p. 397). The ambiguity and contradictory nature of the United Nations Charter coupled with the rise in human rights discourse, as mentioned in the previous section, left the door ajar for proponents of humanitarian intervention to argue their case. The Responsibility to Protect is an attempt to address the contradiction of the UN Charter by arguing that intervention is sometimes permissible.

While serving as Secretary General of the United Nations Kofi Annan called for the international community to stand up for human rights in the face of atrocities being committed. This demonstrated the new age in terms of what should be done in the face of gross human rights violations. Annan called for state boundaries to no longer hinder the ability of the international community to intervene in order to save lives (Annan, 1999, p. 118):

It is not the deficiencies of the Charter which have brought us to this juncture, but our difficulties in applying its principles to a new era; an era when strictly traditional notions of sovereignty can no longer do justice to the aspirations of peoples everywhere to attain their fundamental freedoms. (Tanguy, 2003, p. 141).

Both Rwanda and Kosovo were used as examples of the Security Council's poor response to atrocities and called for the United Nations to evolve in order to better respond to such atrocities. On this, Annan states that we must, "find common ground in upholding the principles of the charter, and acting in defence of our common humanity." (ICISS, 2001, p. 2). Kofi Annan encouraged change in regards to theorizing about intervention. The individual welfare of citizenry was considered hugely important in his eyes, whereas traditional thinking had been more concerned with state power and its interactions on the world stage. The 1990s was the decade where the concept of common humanity really took off with 'sovereignty as responsibility' becoming an in vogue notion of sovereignty (Moses, 2013, p. 113), one that was compatible with human rights. It would be Canada that took up the call of Kofi Annan by establishing the International Commission on Intervention and State Sovereignty (ICISS) which was created to address the issue of protecting people without violating a state's sovereignty (ICISS, 2001, p. 2). Gareth Evans, a leading proponent of the concept of common humanity, was the leading figure of the ICISS and argued the case for humanitarian

intervention in the face of mass atrocities. Evans, like Annan, believed that mass atrocities have “demeaned our sense of common humanity” (Evans, 2011, para. 3), and in response the ICISS formulated the Responsibility to Protect as a way of preventing and responding to atrocities being committed against innocent people (Welsh & Banda, 2010, p. 216).

Principles of RtoP and Common Humanity

An evaluation of the key elements of RtoP demonstrates how important the concept of common humanity was to the foundations of the ICISS report. The ICISS created parts that would guide the implementation of RtoP and, in theory, ensure that it would be used appropriately by the international community reflecting the concept of common humanity. The first element of RtoP is the prevention of atrocities. The idea here is that sovereign states should seek to ensure the protection of human rights, and in cases where they needed assistance it should be given by the international community (ICISS, 2001, p. 19). If prevention measures fail then reaction is the next stage, the international community is obliged to come to assistance (ICISS, 2001, pp. 29-31), although the resort to force is only to be undertaken in extreme circumstances when all other avenues have been unsuccessful, and when there have been clear examples of violence that “shock the conscience of mankind” (Hehir, 2012, p. 46). The third element of RtoP after prevention and reaction is rebuilding. It is not only enough to intervene in a state to stop atrocities there is then a responsibility to rebuild a state when the intervention is complete to ensure peace and stability (ICISS, 2001, p. 39). Post intervention it is necessary to maintain international support in order to ensure security as the region will be susceptible to fragmentation and disorder (ICISS, 2001, pp. 40-41).

These three elements demonstrate the importance of common humanity to the foundation of RtoP and were reaffirmed in the UN World Summit Outcomes Document in 2005:

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability. (United Nations General Assembly: 2005 World Summit Outcome, 2005, p. 30).

When a state breaks its obligation to protect its citizens it relinquishes its power to the international community. The concept of common humanity is present here as the international community has a responsibility to take control of the situation in order to ensure people are protected:

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII... We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. (United Nations General Assembly: 2005 World Summit Outcome, 2005, p. 30).

The UN Summit in 2005 was a further commitment on behalf of UN member states to the concept of common humanity. This was made apparent through RtoP being included in the outcomes document. The three elements discussed all draw from common humanity. They encourage the international community to work together in order to uphold universal values across the world. Under no circumstances should human beings suffer if the international community can do anything to stop it. This section of RtoP best demonstrates how it is built upon the concept of common humanity.

A sense of common humanity is also recognisable in just war theory, which lies at the heart of the RtoP. Krieg states that “[i]n regards to interventions for humanitarian purposes, the righteousness of the motivation of the intervener becomes a critical criterion in just war theory.” (Krieg, 2012, p. 134). The ICISS report argues that in certain circumstances there is a legitimate reason to go to war. A scale of morality is drawn in which there is a right and wrong side and if morality is on a states side they can launch a ‘moral war’. Early theorists such as Socrates, Plato, Aristotle, and Cicero came to the conclusion that peace was the norm for humanity and that war was the exception, hence war had to be justified (Begby, Reichberg, & Syse, 2012, p. 316), while other scholars and theologians such as Aquinas, Gratian, Grotius, and Vattel all believed that wars of defence were morally permissible (Neff, 2012, p. 82; Reichberg, 2007, pp. 8, 7, 31). Two criteria were made by the ICISS with regards to a just cause for a humanitarian intervention:

Large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation: or large scale ‘ethnic cleansing,’ actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape. (ICISS, 2001, p. 32).

This demonstrates the just cause for a war: it is immoral to launch a war of aggression but if it is for the sake of morality then it is deemed, by this report at least, to be a legitimate avenue to pursue.

Clearly the authors of the ICISS report were influenced by just war theory as the conditions: right authority, just cause, right intention, last resort, proportional means, and reasonable prospects of success are all tenets of traditional just war theory (Friberg-Fernros, 2011, p. 164). The harking back to just war theory is another attempt on behalf of the ICISS to justify war on moral grounds and legitimize interventions in defence of our common humanity.

The belief from RtoP proponents in the possibility of a just war means traditional state sovereignty can be violated if it is for greater good of humanitarianism. The Responsibility to Protect promotes sovereignty as responsibility, over any other notion of sovereignty with sovereignty as responsibility being by the most compatible form of sovereignty with human rights. Where traditional notions of sovereignty grant the right to independence and territorial integrity sovereignty as responsibility demands respect for civilians, as made clear by Deng et al.:

If a state fails to fulfil its obligations to its citizens, 'the right to inviolability should be regarded as lost, first voluntarily as the state itself asks for help from its peers, and then involuntarily as it has help imposed on it in response to its own inactivity or incapacity and to the unassuaged needs of its own people'... The international community expects states to bring their domestic law and conduct in line with established international standards; if they do not, other nations have a responsibility to interfere in the offending state's internal affairs. (as cited in Etzioni, 2006, p. 73).

The ICISS backed this up, claiming sovereignty as responsibility means that states are responsible for protecting their citizens and are held to account by the international community and UN (ICISS, 2001, p. 13). The ICISS decided to adopt a definition of sovereignty as responsibility (ICISS, 2001, p. 8). This form of sovereignty heavily reflects the principles of common humanity as it expects all members of the international community to conform to a set universal standard regarding the treatment of human beings. If they do not conform then an intervention can be justified for the sake of common humanity.

The writers of the ICISS report envisioned RtoP becoming an international norm and that it would eventually become part of customary international law (Welsh & Banda, 2010, p. 227), although it is questionable as to whether this has really been the case. At the 2005 UN Summit there was recognition that RtoP could be used in ways that were not covered in the United Nations Charter. However, this recognition took place in the General Assembly which is not a law making body, although international consensus can be determined in the General Assembly and if state practice follows the ideals professed then customary law can follow (Welsh & Banda, 2010, p. 229). With this in mind the outcome at the 2005 United Nations Summit is best seen as an indication of 'soft law' on

behalf of the members of the General Assembly, soft law is law in that it is written but is open to interpretation. This form of law is not legally binding but it does open the way for future developments in terms of making binding treaties and altering state practice and *opinio juris*, leading to the formation of new norms (Welsh & Banda, 2010, p. 230). From this position it seems likely RtoP will continue to grow as the foundation has been laid in international law, and the UN has continued to support RtoP since Ban Ki Moon took over the role of UN Secretary General, stating that “inaction is not an option” (Pattison, 2013, p. 577). However, worryingly since its inception there has been a development away from what the ICISS originally intended, the shift has entailed a greater emphasis on forced regime change in comparison to what the ICISS intended (Piiparinen, 2012, p. 411). The Responsibility to Protect has developed since it was first discussed in 2001; it has been formally recognized by the UN and has continued to be supported by the new Secretary-General as an important part of international politics.

The Responsibility to Protect was helped significantly by the indecisive and ambiguous language used in the UN Charter, which allowed for questions surrounding the enforcement of human rights and the fluidity of sovereignty to be raised. Kofi Annan took advantage of the ambiguity of the UN Charter and argued that RtoP was not breaking current international law; in fact it reflected the principles and values of the international community. The Responsibility to Protect argues that the international community cannot stand by and watch atrocities unfold from a distance; there is a duty to intervene to stop such injustices. In cases of severe atrocities it becomes legitimate to violate a state’s sovereignty in order to protect lives, even harms such as high collateral damage become acceptable in these situations as it is imperative that the state committing abuses is stopped (Pattison, 2013, p. 571). Furthermore, this positive duty considers crimes against humanity outside the realms of domestic law because of their severity and suggests that interventions in these situations are, ‘promoting and encouraging respect for human rights’ as well as ‘restoring international peace and security’ (Christopher, 1996, p. 108). In justifying their claims the RtoP proponents drew upon just war theory and redefined the concept of sovereignty in order for it to be more palatable with humanitarian intervention. There is no way of consistently upholding RtoP and in many ways it is as aspirational as the UDHR in shifting towards a world that respects human rights but it is clear that it is heavily influenced by the concept of common humanity as seen by the language used by its proponents.

Conclusion

This chapter has explored the emergence of the concept of common humanity in international politics. Since the turn of the twentieth century the concept has been a part of the rhetoric used by states in justifying their decisions to punish those guilty of mass atrocities. Sections of the international community have championed the actions of humanitarian intervention, portraying them as noble acts that must be carried out in order to protect those that cannot protect themselves. Over time, the concept of common humanity slowly permeated international politics, eventually culminating in the formulation and promotion of the Responsibility to Protect. Advocates of the Responsibility to Protect have defended the use of force arguing that it is now a necessary part of international relations in order to protect the universal rights inherent in all people. This chapter demonstrates that there has been a shift towards politicizing notions of humanity in order to justify wars. The importance of this to the thesis is that it establishes the phenomenon of the concept of common humanity and how it has become a significant justification in the waging of contemporary wars, particularly those presented as humanitarian interventions. In building upon this overview of the emergence of common humanity in international politics, the next chapter will explore the variety of theories that rely upon a concept of common humanity and examine the place of such theories in contemporary international relations thought.

Chapter Two: The Proponents of Common Humanity

The thought of sitting idly by as innocent civilians are subjected to gross atrocities is considered by many to be abhorrent behaviour that is now outdated. In an increasingly interconnected world, where there is instantaneous knowledge of what is happening in other parts of the world, ignorance is no longer an acceptable excuse. In such a context the concept of common humanity has a strong moral and political appeal. However, the theoretical foundations of the concept need to be explored and assessed. Along with the rise in liberalism, theories of cosmopolitanism have emerged which build upon liberal discourse, with many cosmopolitans arguing people belong to a single community and share a common morality. In this chapter I will explore the variety of theories that depend on a concept of common humanity and consider some of the implications of this, particularly in relation to the carrying out of military humanitarian interventions. First, I will outline some of the theoretical foundations of liberal thought relevant to the concept of common humanity, then proceed on to cosmopolitanism, before finishing the chapter with a discussion of how these strands of liberal and cosmopolitan thought have manifested in the form of justifying humanitarian intervention for the sake of common humanity.

Part One: Liberalism, Human Rights and Common Humanity

Liberal thought has been instrumental in the concept of common humanity rising to prominence in international politics. While the key historical milestones have been mentioned in the previous chapter, here I provide an overview of how the concept of common humanity is closely tied to liberal theory. It should be noted that liberalism encompasses a wide range of thought, values, and principles. Liberalism is a notoriously diverse and often an ambiguous school of thought, making it difficult to identify an 'essential' version. As Bell notes, "[s]elf-declared liberals have supported extensive welfare states and their abolition; the imperial civilising mission and its passionate denunciation; the necessity of social justice and its outright rejection; the perpetuation of the sovereign state and its transcendence; massive global redistribution of wealth and the radical inequalities of the existing order." (Bell, 2014, p. 683).

Amidst this ambiguity and complexity, it is necessary to establish how liberal political theory stands in relation to universal values and the concept of common humanity. John Locke's classical liberal writings, of the late seventeenth century, relate to the concept of common humanity by emphasising the importance of liberty to all people. In developing his political theory, Locke argued that "[w]e must consider what state all men are naturally in... a state of perfect freedom to order

their actions and dispose of their possessions and person, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man.” (Locke, 2005, p. 18). This depiction of the state of nature leads to Locke’s belief in “[m]en being... by nature all free, equal, and independent” (Locke, 2005, p. 58). This freedom and liberty that all people are born with can only be given up by consent, as “[t]he only way whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community, for their comfortable, safe, and peaceable living.” (Locke, 2005, p. 58). Freedom and liberty are, therefore, natural qualities belonging to all people and these rights can only be given up if they choose, for example, to give up their rights in the form of a social contract. However, even when one gives up their liberty and freedom, the state still has responsibilities to uphold to its citizens:

But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society... the society, or legislative constituted by them, can never be supposed to extend farther than the common good... And so whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws... by indifferent and upright judges... all this to be directed to no other end but the peace, safety, and public good of the people. (Locke, 2005, pp. 73-74).

This demonstrates that citizens are ordained with certain rights at birth and that even when they give up their absolute freedom and liberty, the state they belong to still has an obligation to work for their citizens’ common good. These points made by Locke relate to a concept of common humanity as they allude to the belief that all people have the same rights and states are obliged to respect these rights.

John Stuart Mill also wrote on the liberty of citizens and the state they belonged to during the nineteenth century. One of the key arguments made in his work *Liberty* is the importance of freedom to the citizens of a state. States should not unnecessarily interfere with their citizens; for example the freedom of speech, opinion and press should all be upheld (Mill, 1977). It is only permissibly to curtail freedom and liberty when it comes to action. This means that someone is entitled to their opinion, but this cannot lead to an action that harms another person:

The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people. But if he refrains from molesting others... the same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost. (Mill, 1977, p. 260).

So as long as harm is not done freedom and liberty should prevail for the citizens of a state. Mill concludes with two points regarding the actions of citizens. First, “[t]he individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself” (Mill, 1977, p. 292) and “[s]econdly, that for such actions as are prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or to legal punishment, if society is of opinion that the one or the other is requisite for its protection.” (Mill, 1977, p. 292). Mill’s work on liberty relates to the concept of common humanity as it details the freedom and liberty people should hold as well as certain responsibilities governments hold in order to protect their citizenry. In many ways Mill’s stance is similar to that of Locke.³ Both interpretations place the state as being subservient to its citizens’ wellbeing, the priority of which stems from the universal rights of free individuals. The state is of value, in other words, only when it serves the interests of humanity.

This liberal thought of freedom and equality extends directly into international politics with the work of Immanuel Kant, which is heavily tied to the concept of common humanity. Kant, widely regarded as a progenitor of cosmopolitan thought, wrote a treatise on how the world could attain ‘perpetual peace’ through a liberal framework. He believed that war, not peace was the natural condition and because of this he felt the need to write his treatise (Kant, 1996). The first condition to achieve peace was that, “[t]he civil constitution in every state shall be republican”. This was based upon the principles of ‘freedom’, ‘a single common legislation’, and ‘equality’, which according to Kant come from the concept of ‘right’. In the eyes of Kant this would lead to perpetual peace as in a republican state, “[t]he consent of the citizens of a state is required in order to decide whether there shall be war or not... nothing is more natural than that they will be very hesitant to begin... since they would have to decide to take upon themselves all the hardships of war.” (Kant, 1996, pp. 322-323). The second article for attaining perpetual peace lays out that, “[t]he right of nations shall be based on a federalism of free states.” This required states to form into something similar to a ‘league of nations’ where each state, “for the sake of its security... enter... into a constitution similar to a civil constitution, in which each can be assured of its right (Kant, 1996, pp. 325-326). Kant believed federalism could lead to perpetual peace:

For if... powerful and enlightened people can form itself into a republic... this would provide a focal point of federative union for other states, to attach themselves to it and so to secure a condition of freedom of states... by further alliances of this kind, it would gradually extend further and further. (Kant, 1996, p. 327).

³ Mill’s *Liberty* has been criticised for being a contradiction to his previous writings, however, this work is relevant to the argument at hand.

The third article proposed by Kant is that “[c]osmopolitan right shall be limited to conditions of universal hospitality.” This argues that states are obliged to be hospitable to those entering into their state and cannot be treated with ‘hostility’, all have the right to visit another state, “by virtue of the right of possession in common of the earth’s surface” (Kant, 1996, p. 329). Kant views this as a way in which the world will naturally become more intertwined:

In this way distant parts of the world can enter peaceably into relations with one another, which can eventually become publicly into relations with one another, which can eventually become publically lawful and so finally bring the human race ever closer to a cosmopolitan constitution. (Kant, 1996, p. 329).

The first article sets up a world made up of republics that according to Kant are far less likely to resort to war. The following two articles explain how this can create a world that is built upon interconnectedness and universalism thus reducing the risk of war. This liberal world view was ahead of its time in many ways containing many elements related to the concept of common humanity. It focuses on creating a homogenous world political system based upon liberal principles and values that can be exported around the world in order to prevent war.

Kant’s legacy has been instrumental to the rise of discourses concerning human rights and common humanity in international relations. Brown discusses the re-emergence of Kantian thinking alongside the rise deontology in international politics in the 1950s. This is apparent in the importance that has been given to human rights since the Second World War as well as debates concerning the way in which warfare is conducted (Brown, 1992, pp. 91-92). More importantly Kant has had a major influence on contemporary democratic peace theory. Fukuyama believes Kant to be champion of liberalism and the founder of the democratic peace theory (as cited in Buchan, 2002, p. 409). Fukuyama supports this democratic peace theory claiming that liberal-democratic regimes “manifest little distrust or interest in mutual domination... [because they] share with one another principles of universal equality and rights.” (as cited in Buchan, 2002, p. 409). Michael Doyle has also used a Kantian framework in his writing on democratic peace theory (Doyle, 1983, p. 225; Doyle, 2005, p. 463). The work of Kant is used to explain the contemporary phenomena of “the tendencies of liberal states simultaneously to be peace-prone in their relations with each other and war-prone in their relations with nonliberal states.” (Doyle, 2005, p. 463). These examples demonstrate how much Kant has influenced contemporary liberal theorists and has contributed to the predominance of liberal internationalist discourses in contemporary international politics. It is with liberal internationalism, in turn, that we find a striking prevalence of ideas based on the concept of common humanity.

Liberal Internationalism

Liberal internationalism entails many different interpretations but the common traits include “an optimist assumption... that states can overcome constraints and cooperate to solve security dilemmas, pursue collective action, and create an open, stable system.” (Ikenberry, 2009, p. 72). Alongside this “[l]iberal internationalists also share the view that democracies are- in contrast to autocratic and authoritarian states- particularly able and willing to operate within a open, rule-based international system and to cooperate for mutual gain.” (Ikenberry, 2009, p. 72). Like Kant, there is a belief that international politics would benefit from all states adhering to the same form of governance, principles, and values.

Liberal internationalism was prevalent in the twenty first century with Woodrow Wilson epitomising this liberal internationalist spirit. The concept of common humanity is very much a part of Wilsonian statecraft as it represented a shift towards imposing liberalism onto the rest of the world for the benefit of humanity as a whole. Wilson, “sought to transform the old global system based on the balance of power, spheres of influence, military rivalry, and alliances into unified liberal international order based on nation-states and the rule of law.” (Ikenberry, 2009, p. 75). In order to achieve this, Wilson was willing to push American concepts of liberalism onto the international community believing that it would be to the benefit of the rest of the world:

He projected American nationalism onto the Old World as the basis for his foreign policy... He wanted to redeem the Old World from its outmoded system of alliances that depended upon a discredited balance of power. He sought to establish a new community of nations that would rely instead on collective security. (Ambrosius, 1991, p. 3).

This Wilsonian vision of statecraft did not take hold as the US did not join the League of Nations and it failed to live up to the expectations placed upon it, eventually crumbling on the eve of the Second World War (Henig, 2010, pp. 59, 172, 173). However, it was an important insight into changing perceptions of international relations and liberal internationalism continued to rise. In the post war world “[t]he United States found itself not just the sponsor and leading participant in a new liberal international order-it was also owner and operator of it. The vision of liberal order turned into liberal hegemonic order” (Ikenberry, 2009, p. 76). However, Ikenberry argues that with the end of the Cold War the emphasis shifted from the US towards the international community. The international community became the “repository for new human rights and national security norms.” (Ikenberry, 2009, pp. 79-80). Whether or not this is true is up for debate as many see the ‘international community’ as a Western creation with the United States being the leaders of changing the

international system towards a system that reflects human rights and permits intervention when gross atrocities are being committed (Krieg, 2012, p. ix). What remains significant, however, is the enormous influence that liberal internationalist theory and practice has wielded in the development of international order post-WWII.

Liberal Human Rights Law, International Law, and Sovereignty

This liberal internationalism has led to changes in interpretations of human rights, international law and perceptions of sovereignty. Previously, international law was characterised by the power of the state; states had autonomy and the right to their territorial integrity. New forms of international law reflecting the values of common humanity have been elaborated on by some theorists in an attempt to make common humanity the touchstone for international or global politics.

Regarding human rights law the idea of universal standards and natural rights date back thousands of years. This stems from the belief that all people are born with certain rights bestowed upon them by a higher authority than humankind. Every person in the world is born with certain rights that can never be removed that are inherent to all human beings, rather being human constructs they are instilled naturally (Renzo, 2012, p. 450). These natural rights stem from natural law that dates back to the Ancient Greeks and was expanded upon further in later years. In the New World Las Casas spoke of the inherent rights that the native people were born with and thus they should be treated as human beings and not be subject to barbaric treatment (Ishay, 2007, pp. 165-167). The belief in natural rights means that every life is of equal importance with no group of people having any more rights than another group. This is tied to the concept of common humanity because if all people have the same universal rights one cannot stand by while people's inalienable rights are destroyed.

Natural concepts are applied to contemporary international law. To Abella, such things as universal human rights vastly outweigh the importance of state sovereignty and other laws that undermine the importance of universal human rights (Abella, 2010, pp. 874- 875). The argument made is that the creation of the United Nations was always for the betterment of the global community with the objective of bringing the world together to cooperate peacefully on matters; after all it emerged from the devastation wrought by the Second World War (Abella, 2010, pp. 874-875). Legal positivism does not enter the equation. Law and morality are intrinsically linked with it being necessary for international law to closer reflect universal morality. Here, Abella makes the case that international human rights law should be framed in a way that reflects universal morals and values, stating that all people belong to the same humanity (Abella, 2010, p. 877).

The power of *jus cogens* norms, an element of customary international law, provides a platform to argue for the existence of universal human rights in international law. In the pursuit of a world that embraces liberalism it has been argued that human rights have become a *jus cogens* norm that cannot be broken by rogue states that do not recognise them. The Vienna Convention on the Law of Treaties states that any treaty law is rendered invalid if it conflicts with a peremptory norm or a norm that is recognized by the international community as a whole (Sivakumaran, 2009, p. 146). This is because customary law overrides treaty law and if there is an ambiguity, or a contradiction in international law the customary *jus cogens* law overrides treaty law. The question is: has universal human rights and all that entails become *jus cogens*? Many believe that norms against aggressive war, slavery, and genocide all fall into this category (Boucher, 2011, p. 764). Particularly in the case of the law against genocide, it appears that it has become part of customary international law, even if a state has not signed the Genocide Convention it is still bound by it as it has become a norm of the international community (Thornberry, 1980, p. 255).⁴ This demonstrates how human rights principles have developed from abstraction into being a part of international law. A state cannot be against a *jus cogens* norm and thus in certain circumstances will have to adopt certain provisions conforming to universal human rights even if they have not ratified any human right declarations and do not agree with them. The argument made here is that the acknowledgment of human rights in international law has contributed to the concept of common humanity and those who do not agree with common humanity should be overridden by the rest of the international community.

Further to the *jus cogens* aspect of the concept of common humanity is the very similar term *erga omnes* that liberal internationalists have also used as a way of arguing for universal principles and values relating to humanity. An *erga omnes* law is a law that applies to all. Violations of peremptory norms have often been argued to be conscience-shocking and thus it must be made illegal to violate such norms (Sivakumaran, 2009, p. 148). Adding to this idea that human rights laws are *erga omnes* are statements made that stress the obligation states have to protect the rights of their own citizens with *The Barcelona Traction* (Sivakumaran, 2009, pp. 136-137). This demonstrates that a state must do all it can in its power to prevent human rights abuses to people under its jurisdiction. The International Law Commission (ILC) has stated that a state is responsible for an act that is in breach of an international obligation (McCorquodale, 2009, pp. 238-239). The emergence of *erga omnes* norms has created an international community whereby states can impose themselves onto other

⁴ So as a practical example if a collection of states decided to make a pact to agree to slavery the states in question cannot do so because of the *jus cogens* element of customary international law that holds that such a practice is illegal.

states if peremptory norms are violated as these peremptory norms are argued to be *erga omnes*. This is a further example of liberal principles being absorbed into international law.

Alongside *jus cogen* norms and *erga omnes* laws, some have argued that the power of *opinio juris* has been limited, which makes it easier to reshape international politics. This in conjunction with *jus cogens* and *erga omnes* can be used to make a legal order in international politics that reflects Western liberal beliefs. To Boucher, state practice is more important than *opinio juris* in the need to create moral international law:

I have been putting forward... the recognition that moral rights, or moral claims... which are immanent in society, somehow precede their legal recognition... My point is... that the right has already in some sense been created by customary practices before its legal recognition or acknowledgement. (Boucher, 2011, p. 764).

Traditionally, in order to create customary law there must be two things: firstly state practice, and secondly *opinio juris*, which is when something is believed to be a part of law (Boucher, 2011, p. 763). A key to preventing something becoming customary international law is by being the 'persistent objector', one who does not follow the same practice as other states and thus does not recognise the *opinio juris* element of customary international law (Boucher, 2011, p. 763). This is a way in which states can, and have, resisted against universal human rights as customary international law. However, the crux of this problem, as mentioned above, is that it is not necessary for all states to partake in a certain state practice in order to create customary international law (Boucher, 2011, p. 766). This nullifies the power of the persistent objector. If a less powerful state does not recognize a part of customary international law, their opinion can be overridden by other states' commitment to these practices, and this, in turn, can lead to practices and ideologies being imposed on less powerful states.

Liberal internationalist thought extends into matters of sovereignty with support given for popular sovereignty at the international level. There has been a shift away from traditional state sovereignty towards that of popular sovereignty that places much greater emphasis on how a state must act in accordance with human rights. Breaking down the importance of state sovereignty and territorial integrity are important parts of building an international community that ties the globe together (Linklater, 2007, p. 116). From a legal perspective it is dubious as to how far the notion of popular sovereignty has come, although it is true that human rights have become an important part of governance. As mentioned in the previous chapter, the international community has passed numerous universal human rights conventions that have impacted on the status of sovereignty as

states are now expected to adhere to external standards of morality whereas before they were the sole judge of how people were treated (Enabulele, 2010, p. 410).

Other human centred perspectives on security relate to popular sovereignty and the erosion of the state. It has been argued that it is necessary to move away from traditional security approaches that focus on state sovereignty and territorial integrity, and replace them with human-based security approaches (Thomas & Tow, 2002, p. 177). This entails placing the emphasis on the welfare of people above state concerns as the security of peoples' lives is the most important element of security (Thomas & Tow, 2002, p. 178). Proponents of human security argue that the international community has a duty to protect people no matter where they live, and if need be interventions are a legitimate course of action in order to protect people and to bring about positive change (Thomas & Tow, 2002, pp. 178-189). Popular sovereignty has become an alternative to state sovereignty and is a movement stemming from liberal thought and is increasingly becoming a topic of debate. Closely tied to this notion of sovereignty is sovereignty as responsibility. Sovereignty as responsibility stands in contrast with the tenets of 'traditional' state sovereignty. Here it is argued the protection of citizenry has entered into the realm of customary international law as heads of state are now accountable for the treatment of their citizens (Bernstein, 2012, p. 326). This will be further explored in the final section of this chapter on intervention.

Liberal Internationalism as the Answer to Global Threats

Liberal internationalism has been seen as an answer to new threats that pose a risk to international security. To a liberal internationalist the crises that present themselves pose a threat to global security and liberalism could have a mitigating effect on these crises. As Ignatieff has argued:

There has been a corresponding shift in the area of international peace and security, resulting from the steady decline of interstate wars relative to various types of "internal" armed conflicts, which became particularly pronounced in the 1990s. Since 1991 more than fifteen new states have emerged, and while some have made the transition to stability, many of them... are struggling... Where states cannot control their territory and are fighting insurgencies or ethnic separatism, massacre and ethnic cleansing become ways of life. As a result, chaos has replaced tyranny as the new challenge to human rights in the twenty-first century. (Ignatieff, 2003, p. 299).

The international community felt the need to assist in solving these problems and in response the UN and its member states attempted to find solutions to these human rights abuses with the response sometimes taking the form of humanitarian intervention (Ignatieff, 2003). The problems of the 1990s reflected that international relations now, "projects more deeply into the domestic policy

sphere of states.” (Ruggie, 2005, p. 311). States can no longer act without regard for the international community as the entire world is linked together.

A theory that liberal internationalists believe could put an end to these humanitarian crises is the democratic peace theory that argues democracies lead to peace and stability and do not attack each other. The key reasons why democracies lead to peace and stability is because they have, “due process; an independent bar and judiciary; protection for minorities; a free press; as well as rights-of association, religion, and expression.” (Abella, 2010, p. 877). Abella is proud of these democratic principles stating, “I, for one, am not the least bit embarrassed to trumpet them, because when we trumpet these core democratic values, we trumpet the instruments of justice.” Hence it is wise to promote democracy throughout the world as a means of achieving state and global security as well as it being instrumental in facilitating the observance of human rights (Abella, 2010, p. 877). If every state is democratic the fear of attack disappears as every state shares the same ideology removing any tension and hostility between states. After the collapse of the Soviet Union President Clinton declared that democratic peace theory was a pillar of the United States’ foreign policy as it would ensure the security of the United States. States that are liberal democracies are defined as states that have free speech, regular elections, are built upon freedom, and support peace (Owen, 1994, p. 89). The argument follows that when liberal regimes are faced with other liberal regimes they are more willing to deal with diplomacy and because of free speech the citizens of these states can protest a war so the prospect of war peters out. In cases where there is an illiberal regime war is more likely to break out as sometimes it is determined that war is an acceptable action against these illiberal regimes (Owen, 1994, p. 89). The democratic peace theory argues that with liberal ideologies such as freedom and democracy world conflicts can be significantly reduced or potentially stopped all together. In this scenario the ideology of liberalism is deemed beneficial to all of humanity and so it can be imposed upon other states.

The belief that democracy promotion leads to a more peaceful international community that upholds universal human rights and better reflects a common humanity stands in contrast to arguments made in favour of cultural relativism. Both Ignatieff and Tesón disregard cultural relativism arguing that some things are right and others are wrong regardless of cultural context. In response to cultural relativist claims against liberal internationalism, Tesón states, “I have never been able to see merit in relativism as a general philosophical view. If... our philosophical judgement that all persons have rights is sound, then it is universally sound. It does not really matter if the *historical origin* of that judgement is Western or something else.” (Tesón, 2003, p. 100). This argument is backed up by the Universal Declaration on Cultural Diversity, ratified in 2001, stating

that cultural diversity cannot be used as a justification to violate human rights that are a part of international law (Xanthaki, 2010, p. 43). This decision encompasses forced marriages, dowry deaths, female circumcision, acid attacks, and honour killings, stating that they are incompatible with all religious and cultural values (Xanthaki, 2010, p. 45). This reinforces the idea that democracy is not only a way of stopping mass atrocities and shifting towards world peace but it is also the mode of governance that best suits the interests of all mankind. For this reason democracy is the best representation of common humanity.

The question then arises as how best to support the creation of liberal regimes the world over. One method is from external states supporting the establishment of democratic institutions in states that are moving towards democracy but need a helping hand, this is about creating a political environment conducive to democracy (Miller, 2010, p. 564). Alternatively another approach to creating democracy externally comes in the form of intervention, there have been times when dictatorial regimes have been ousted from the outside through war and democratic states have been created in their place (Pei, 2002, pp. 6-8). Liberal internationalism supports the democratic peace theory and desires a world where states stand for the values of liberalism and respect freedom, democracy and peace. This ties to common humanity as the liberals clearly believe in one set of universal values, the values of liberty and are not afraid to criticize or confront regimes that do not conform to their outlook on what the world should be.

Liberalism in international relations is inextricably linked to the concept of common humanity. Liberalism stresses the importance of liberty in politics, promoting human rights, as well as democracy and freedom. This interpretation stresses that liberalism is a universal concept that transcends national and cultural divides promoting peace and security (Miller, 2010, p. 571). This best summarizes the ties between liberalism and common humanity. Tied to liberalism is cosmopolitanism which forms the main theoretical framework in favour of humanitarian intervention for the sake of common humanity.

Part Two: Cosmopolitanism and Common Humanity

Drawing upon the liberal theory discussed above, cosmopolitan theorists draw more radical political arguments from a basic belief in the universal values of common humanity. From this perspective, there is a need to establish a more cosmopolitan world to reflect the multipolar nature of international politics as the West can no longer dominate as it once did (Held, 2010, p. 2). The core beliefs of the majority of cosmopolitans are that all human beings belong to the same community, with a shared morality linking us all. As Krieg puts it, “[c]osmopolitanism... [characterizes] the

international system as a community of individuals and only secondarily as a community of states... Concepts of race, nationality or gender are not deemed important.” (Krieg, 2012, pp. 24-25). This is reflected in a large segment of cosmopolitans believing everyone should be free, regardless of the political regime they live under (Owen, 1994, p. 94). Cosmopolitan thought is heavily influenced by the writings of Immanuel Kant whose theories imply that there is a human community that have shared rights and obligations (Kaldor, 1999, p. 115). Firstly the major principles of cosmopolitanism need to be established and how these tie into the concept of common humanity.

Cosmopolitan principles draw from liberal foundations and relate to the concept of common humanity. Held lists the principles of cosmopolitanism that he believes to be important and essential in being upheld, explaining that all are universally shared and being of equal significance: firstly, all people are considered equal; secondly all people have agency, they can act and have responsibilities to act in a certain way; they have personal accountability; the right to vote; and all have the right to live in conditions where they will not meet serious harm (Held, 2010, p. 69). There is an emphasis on rules and principles encompassing all peoples. The ‘metaprinciple of impartialist reasoning’ rejects principles and practices that not all could adopt, principles must be established that all can reasonably accept and none can discard (Held, 2010, p. 88). However, Held believes his core principles of cosmopolitanism stand this “test of impartiality and form, moral and political elements upon which all could act.” (Held, 2010, p. 88). These cosmopolitan principles reflect the concept of common humanity as they represent the rights of people to live a life free from persecution and have a say in their domestic politics.

Cosmopolitanism requires a belief in the universalism of humanity. The world should be a certain way and the international community must strive towards achieving this. For example, Kaldor argues that there must be a shift towards, “embracing tolerance, multiculturalism, civility and democracy, and to a more legalistic respect for certain overriding universal principles which should guide political communities at... the global level.” (Kaldor, 1999, p. 116). The proponents of this perspective argue that people are global citizens; they have as close of a connection with people from other states as within their own states (Griffiths, Levine, & Weller, 1995, p. 34), and that there is no reason to hold people from their own country in higher regards than people in foreign countries (Linklater, 2007, p. 116). The importance of people is placed above other concerns and so the rights of people come before the rights of institutions and states (Griffiths et al., 1995, p. 34). Because of this thinking all states have to conform to a certain set of guidelines when governing and if these standards are not met then they are liable to face the consequences the international community deems necessary. To the cosmopolitans it is urgent to refine the bounds of what are and

what are not acceptable practices in the international arena (Christopher, 1996, p. 115). Freedom, democracy, justice and humanity are the principles of liberty, self-determination, and the sanctity of life, which Held believes are principles applicable the world over as they form a fair, and humane society (Held, 2010, p. 129). The beliefs of cosmopolitans are, therefore, built on the concept of common humanity or human conscience, as their world view is a manifestation of the belief that there are universal values that apply to all the citizens of the world.

An important part of establishing a cosmopolitan international political system appears through the deployment of cosmopolitan concepts of sovereignty as a way of ensuring states act in a manner in line with the concept of common humanity. It has been argued that state sovereignty is now obsolete because of the impacts of globalization with states being heavily affected by international politics and economics (Linklater, 2007, pp. 120-121). Proponents of cosmopolitanism see changing the way in which sovereignty is interpreted as a way of enhancing the welfare of people across the world. Traditionally states had complete power over their territory, however, the rise of human rights led to the changing of sovereignty. States' authority and legitimacy in international politics comes from their status as protectors and providers of their citizens. States do not have power, authority, or legitimacy if they commit crimes against humanity against their citizens, they lose their sovereignty in this sense (Slaughter, 2009, p. 110). To Held, this is liberal sovereignty where a state is responsible for the protection of basic human rights and without this it loses its political legitimacy. Going further than this is the concept of cosmopolitan sovereignty which "challenges the very idea of fixed borders and territories governed by states alone." (Held, 2010, pp. 18-19). States make decisions as a wider part of the international community and so decisions are only legitimate if they conform to the principles of the international community, as "legitimate decision making is conducted in different loci of power within and outside the nation-state." Held states that the world must adhere to this framework in order to deal with contemporary issues the world is faced with (Held, 2010, p. 19). To summarize Held's point of view, "[e]ntrenched in certain legal instruments is the view that a legitimate state must be a democratic state that upholds certain common values." (Held, 1995, p. 104). This is a cosmopolitan extension to popular sovereignty and sovereignty as responsibility, sharing many attributes of the latter.

The objective of many cosmopolitans is to build cosmopolitan democracy that supports the spread of universal human standards and global political institutions. Theorists such as Archibugi have argued the case for a cosmopolitan democracy that promotes democracy within nations, between states and at the global level. This would result in new institutions based on world citizenship being created in order to limit existing state functions, manage global issues and intervene in rogue states

when human rights abuses are committed (Archibugi, 1998, p. 216). Under this model it is necessary to reform the UN Charter in order to reflect cosmopolitan democratic law and provide a new charter of rights and obligations that states have to adhere to. For a cosmopolitan international system to take shape it would require a second chamber of the UN that would take the form of a global parliament; enhanced political regionalization, entailing the formation of more institutions like the EU; the creation of a human rights court that is interconnected in the global legal system; and the establishment of an international military force made from a proportion of a nation states military resources (Held, 1995, p. 279). The concept of cosmopolitan democracy requires a substantial overhaul of current international politics to greater reflect an international community. This would reform the world based upon a singular identity, common humanity, that the cosmopolitan believes best represents the interests of humanity.

Cosmopolitanism reflects the concept of common humanity and has been accompanied by attempts to alter international politics to better reflect this common humanity. So far it has been established that liberal internationalists and cosmopolitans believe that states have an obligation to protect their citizens from human rights abuses. In the final section of this chapter I will examine how they believe the international community should react to states when they fail to fulfil their obligation to their citizens.

Part Three: Liberalism, Cosmopolitanism and Humanitarian Intervention

To certain liberal internationalist and cosmopolitan thinkers there is an obligation to intervene in order to uphold the universal values they represent and protect those that cannot protect themselves. In the event of intentional widespread catastrophic human suffering a state relinquishes its right to non-intervention (Christopher, 1996, p. 112). As discussed above, when situations of genocide, war crimes, ethnic cleansing, and crimes against humanity occur it paves the way for the justification of a humanitarian intervention (Pattison, 2007, p. 302). Even in cases that do not have the backing of the United Nations these proponents argue that for the sake of common humanity there should be an intervention (Christopher, 1996, p. 111). Likewise, the cosmopolitan theory described above rests upon the concept of common humanity and that our common humanity must be upheld across all countries and cultures. It is unacceptable for a state to hide behind a wall of state autonomy, territorial integrity, and cultural or religious practices if these get in the way of peace and safety for humanity. If need be, humanitarian interventions are considered necessary in order to prevent atrocities that shock our collective conscience.

Liberal internationalism supports the use of force in order to protect those that cannot protect themselves and the establishment of governments that reflect the concept of common humanity. Tesón states that, “[h]umanitarian intervention is morally justified... on a standard assumption of liberal political philosophy: a major purpose of states and governments is to protect and secure human rights... rights that all persons have by virtue of personhood alone.” (Tesón, 2003, p. 93). Furthermore, “[w]e all have the obligation to respect those rights; the obligation to promote such respect for all persons; depending on the circumstances, the obligation to rescue victims of tyranny or anarchy, if we can do so at a reasonable cost to ourselves.” (Tesón, 2003, p. 94). Ignatieff agrees with this sentiment arguing that there is an obligation on behalf of the international community to create stable governments. Most importantly, this is viewed by Ignatieff as “both a matter of conscience – since without governance human beings are unlikely to have any human rights protection worth the name – and a matter of state interest.” (Ignatieff, 2003, p. 306). This is a case that demonstrates the belief on behalf of liberal internationalists that humanitarian interventions can be justified on liberal grounds that are in line with the concept of common humanity provided that it also accords with the perceived self-interests of the intervening states.

Support for humanitarian intervention relates to the liberal internationalist concepts of sovereignty and international law mentioned earlier. Both Bouchard and Elihu Lauterpacht believe that in circumstances where there are human rights being violated by a state there is a legitimate cause for the international community to launch an humanitarian intervention legally if the human rights violations ‘shock the conscience of mankind’ (as cited in Duke, 1994, p. 33). Based upon a liberal internationalist critique the nature of crimes against humanity is that they attack a specific group of people and are so barbaric that they violate the dignity of the victims which concerns the international community. The result of this can be an intervention (Renzo, 2012, p. 444). As mentioned above, under this interpretation whether or not treaties had been signed is irrelevant as these crimes breach customary international law. This overrides the lack of signatories to any given declaration and holds these states accountable for their human rights abuses if universal human rights are *jus cogens* (Boucher, 2011, p. 766). Under treaty law, many states have not ratified treaties, rendering them non-binding. However, these treaties do not need to be ratified by all as genocide, war crimes, ethnic cleansing, and crimes against humanity are all illegal under customary international law (Duke, 1994). This demonstrates the liberal internationalist belief that if acts are particularly barbaric they violate the concept of common humanity and thus make intervention lawful.

Somewhere between liberal internationalist and cosmopolitan advocates of military force are RtoP proponents who draw upon sovereignty as responsibility in justifying humanitarian intervention. This redefinition of sovereignty was proposed by the ICISS report and holds three main attributes: the first attribute of sovereignty as responsibility is that a state is responsible for protecting the safety and lives of its citizens. Secondly, the state is responsible to the international community and the United Nations. Thirdly, the state is responsible for its actions. Hence, according to the ICISS report:

Thinking of sovereignty as responsibility... has a threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. (ICISS, 2001, p. 13).

Under this interpretation of sovereignty, states do not enjoy the privileges of immunity and non-intervention they enjoyed under traditional legal conceptions of state sovereignty, as they are required to uphold certain international standards. If they commit atrocities or other acts condemned by the international community they can be held accountable and lose their sovereignty (Henderson, 2014, pp. 13-14). Under this form of sovereignty if a state fails to protect the rights of its citizens then the international community has a responsibility to respond and to intervene in the state in question (Pattison, 2007, p. 301). This is made apparent in the ICISS report:

When preventive measures fail to resolve or contain the situation and when a state is unable or unwilling to redress the situation, then interventionary measures by other members of the broader community of states may be required. These coercive measures may include political, economic or judicial measures, and in extreme cases... they may also include military action. As a matter of first principles, in the case of reaction just as with prevention, less intrusive and coercive measures should always be considered before more coercive and intrusive ones are applied. (ICISS, 2001, p. 29).

External state sovereignty is, therefore, no longer an uncontested part of international law. RtoP and sovereignty as responsibility have been used as a way of asking questions regarding certain state's practices, altering perceptions of what a sovereign must adhere to (Henderson, 2014, pp. 14-16). RtoP advocates hope that their theory becomes the recognised form of sovereignty in international relations as they believe it is the best way of preventing atrocities that shock the conscience of mankind.

Many cosmopolitan thinkers, like liberal internationalists and RtoP proponents, believe that the use of force is permissible in certain circumstances in order to uphold the concept of common humanity. However, cosmopolitans tend to be stricter on the military operations involved with an intervention. The humanitarian interventions of the 1990s were criticized for being too motivated by state interests rather than humanitarianism. In response to this there was a push to create new non-governmental authorities that could legitimately push for democracy in the global order (Archibugi, 1998, p. 210). The cosmopolitan theorists that propose such action generally draw up a large list of criteria that the intervention must follow in order for it to be conducted in a manner reflecting the concept of common humanity. In order for humanitarian interventions to become an accepted part of international politics, trust must be built with states outside the West that see intervention as being motivated by state interests. To build legitimacy, all human rights abuses must be condemned and dealt with all of the time so the rest of the world sees and is convinced that the West is not intervening for political and economic reasons (Held, 2010, p. 135). This leads to the importance of post intervention reconstruction as there must be, “restructuring of political and economic arrangements so as not to repeat the conditions that gave rise to war.” Both law and order have to be restored so normal life can resume and refugees and those who were displaced in the conflict can return to their lives (Kaldor, 1999, pp. 133-134). Cosmopolitans believe that the principles of liberalism can be enforced through military means if certain conditions are met by the international community. This is a way in which the cosmopolitan concept of common humanity will grow in international relations.

Archibugi proposes a comprehensive plan to guide future humanitarian interventions to ensure that they are in line with the concept of common humanity and prevent human rights violations. Interventions should only take place when there are ‘collective violations of human rights’, and the UN International Law Commission is the most fitting organisation to create guidelines for humanitarian intervention (Archibugi, 2004, p. 6). From Archibugi’s perspective, individual states or intergovernmental organisations should not decide on when to intervene because they hold bias. However, if a World Court or collection of experts from NGO’s decide on such issues it is more likely that the decision will be impartial (Archibugi, 2004, p. 10). After deciding whether or not there is a justification for intervention, Archibugi then proposes methods to improve the required military operations. Firstly, the UN should be responsible for creating new methods of intervention; currently the intervening governments are responsible for the intervention plans, this should be changed with the UN being the authority that decides on what course of action to take:

A successful humanitarian intervention ought to have available a much wider battery of instruments than airstrikes... Sometimes smart sanctions such as the confiscation of the financial assets of the leaders of foreign countries would be much more effective, and certainly much less damaging, than air strikes. The role of the International Criminal Court will, hopefully, be to charge those responsible for crimes against humanity individually. Then, when military intervention is needed, it is important that the armed forces be prepared to use the methods of policing, rather than those of war. (Archibugi, 2004, pp. 12-13).

The final major change Archibugi proposes to the current international system is the implementation of a UN standing army that is trained to be peacekeepers rather than soldiers with this being comprised of soldiers from countries that have a good record of upholding human rights (Archibugi, 2004, pp. 13-14). The adoption of these measures is the best way the Western-led international community can fight human rights violations (Archibugi, 2004, p. 14). If a state was to oppose such measures Archibugi questions their sincerity in invoking humanitarian motives for previous interventions. This plan of Archibugi's is the way future humanitarian interventions can reflect the concept of common humanity.

Kaldor expands on how best to mix cosmopolitanism with military force by stating how a cosmopolitan military should be structured. Force should be used in cases of civil war with the international community taking on a mix between policing and soldiering: soldiering requires separating belligerents, maintaining ceasefires, controlling airspace, protecting safety zones and relief corridors, while policing entails ensuring freedom of movement, providing safety to individuals, and capturing war criminals (Kaldor, 1999, p. 125). These cosmopolitan troops should be a "new kind of soldier-cum-policeman which will require considerable rethinking about tactics, equipment and, above all, command and training." (Kaldor, 1999, p. 130) and are best suited to being comprised of multilateral forces (Kaldor, 1999, p. 131). Kaldor concludes that:

The new cosmopolitan troops have to become the legitimate bearers of arms. They have to know and respect the laws of war and follow a strict code of conduct... Whereas the soldier, as the legitimate bearer of arms, had to be prepared to die for his country, the international soldier/policeman risks his or her life for humanity. (Kaldor, 1999, p. 131).

To Kaldor this shift towards cosmopolitan troops is a way in which interventions can become less controversial and better represent the universal values of the international community.

Liberal internationalists, RtoP advocates, and Cosmopolitans have used liberal ideals, values, and thought in order to push international politics further towards an international community that

reflects the concept of common humanity. Their objective is to establish a global system based on a universal set of principles that best represent humanity. If the circumstances are right, this utopian ideal can even be enforced through military force, although this is considered a last resort. The cosmopolitans propose that military power can be used to enforce liberal ideals but it has to be used consistently and carefully otherwise it does not hold up to cosmopolitan values. This issue is a continual problem for humanitarian intervention as will be discussed in chapter four.

Conclusion

The rise of liberalism and cosmopolitanism represents support for the concept of common humanity in international politics. The proponents of both philosophies believe it is important for international politics that the concept takes hold so all people can live in freedom. The liberals and cosmopolitans discussed believe that all humans are born with certain rights that states are obliged to uphold. When they see that these rights have not been upheld they seek ways of making the concept of common humanity a practiced part of international relations through new interpretations of international law and sovereignty. The argument put forth is that there must be change in international politics where states have to start taking better care of their citizens, abiding by universal morals that transcend territorial boundaries. In extreme circumstances when a state is reneging on its commitment to its citizens and committing conscience shocking acts the international community is obligated to act under new interpretations of international law in order to protect the human rights of those that cannot protect themselves. As Tesón states, “[n]on-interventionism is a doctrine of the past. It feeds on illiberal intellectual traditions (relativism, communitarianism, nationalism, and statism) that are objectionable for various reasons and that, where implemented, have caused grievous harm to persons.” (Tesón, 2003, p. 128). The belief that law should be based on conceptions of morality leads liberal and cosmopolitan theorists and policy-makers to push their moral compass out onto the rest of the world believing that what they stand for is right and people that stand against them are wrong. The contradiction that these proponents fail to address is that they are promoting the enforcement of an ideology and a set of principles that champions freedom upon the rest of the world. Critics of this position argue that this deployment of universal values is problematic and it is these critiques that I will explore in the following chapter.

Chapter Three: Critics of the Concept of Common Humanity

In contrast to the liberal and cosmopolitan theorists discussed in the preceding chapter, there are those who are critical of the concept of common humanity and argue that such an idea should not become a regular part of international relations. This is explored from a communitarian perspective that rejects the political salience and desirability of a universal humanity. From this perspective, the concept of common humanity is flawed as our identity and values stem from the community to which we belong rather than from universal concepts. The middle sections of this chapter will examine Schmitt's realist position on the concept of common humanity and then Orford's post-structuralist critique. The final section argues that the problematisation of the concept of common humanity makes its application to international law and politics more complicated. The conclusion reached is that the concept of common humanity cannot be effectively applied in the real world because, despite the treaties and rhetoric surrounding human rights, the practice of the international community indicates that there is not a universal concept of community and morality that binds us together. In practical cases the critics of common humanity argue that it is merely rhetoric used to gain popular support and legitimacy for an intervention into a state. These interventions based upon universalism are undesirable as the politicization of the concept of common humanity leads to the subjugation and exploitation of states that do not conform to the powerful states notion of values and morality. The critics of the concept of common humanity use communitarianism, realist political theory, and post-structuralism as platforms for critiquing it and I will examine each of these positions in turn.

Part One: Communitarianism

Communitarianism stresses the importance of community in shaping identity and understandings of rights. There are many varieties of communitarianism, as the field "is complex and contains within itself more than one theory of politics." (Brown, 1992, p. 75). However, one strand rejects the liberal and cosmopolitan claims made in international politics. As Brown argues, "communitarian positions... contrast to cosmopolitanism [as they] attempt to deepen an understanding of communal and social solidarity rather than theorise the relationship between the individual and humankind" (Brown, 1992, p. 55). People are shaped by the community they belong to; different communities have different cultural, religious, social, and traditional values that shape the identity of a person. Under this interpretation there is no universal humanity or concept of morality, we form our opinions on the world from the communities we come from, not because of what someone in a far distant land thinks we should believe in. It is important to clarify that communitarianism is a field

that encompasses many differing opinions (Watson, 1999, p. 216), and some such as Michael Walzer support humanitarian intervention, however, this chapter explores communitarianism from a position that rejects humanity as a political concept and thus humanitarian intervention as it politicizes humanity.

Communitarianism emphasises the importance of community in shaping values and morality. This argues against the cosmopolitan notion of universal community and morality and the attempts to make the world a singular entity. There is no evidence that all people want to belong to the same international community, they want to belong to their own community and for their community to govern itself. Communitarians believe that our identities and personalities come from, at least in part, one's community (Gutmann, 1992, p. 121). This identity manifests itself in all societies conceptions of how people of a state should be treated, this leads to individual states producing their own balance between rights, responsibilities and a common good depending on their own particular cultural and historical context (Etzioni, 2014, p. 246). There is no set of universal standards that influences when and to what extent a society will adopt rights and responsibilities, rather there are a set of temporal and historically specific conditions that result in a state, or community, being the way it is. There are a whole host of reasons why communitarians emphasise community over cosmopolitan citizenship, including the lack of globalized commemorations (we commemorate events at the state level to foster national pride but have few international commemorations done that build international identity); the fact that there is no social contract with the international community, as well as the complexity of determining and deciding upon rights and duties at the global level (Linklater, 2007, pp. 110-111). In addition to scholarly scepticism towards cosmopolitanism, the general populace seems to have a general sense of apathy towards the global community. McFarland conducted an experiment in order to establish whether or not people consider themselves part of humanity as a whole or if they identify more closely with their community or their country. In the survey conducted, fewer than 15 percent identified with all of humanity as much with their community and their country (McFarland, 2011, p. 14). This raises questions as to the political reality of common humanity, demonstrating that people feel more attached to their own community than the universal human community.

A problem communitarians have with cosmopolitanism is the difficulty of accommodating plural systems of morality or values. One of the strongest criticisms made by communitarians is regarding the universalistic mentality of liberalism being biased against certain ways of life and communities as it does not allow for the incorporation of varied forms of identity (Moore, 2009, pp. 328-330). Instead it presumes to know what is good and what is not, undermining the importance of

community in shaping peoples beliefs and values (Moore, 2009, p. 323). This leads to those living in the developing world resenting cosmopolitanism as a Western form of imperialism as the proponents of cosmopolitanism believe that sovereignty can be broken down in order to protect human rights whilst others, such as Dyzenhaus, believe that under no circumstances should universal liberalism be used to impose its perceptions of 'good' onto the rest of the international community in an imperialistic manner (Dyzenhaus, 1999, p. 79). The communitarians explored in this chapter believe that concepts of morality are built from communities and that this allows for greater acceptance of differing social, cultural, and religious practices, opposed to the cosmopolitan perspective that emphasises the conception of humanity and its importance in encompassing the rest of the world.

Communitarian ideas reject the concept of common humanity, instead arguing that people identify with their own communities rather than the international community. Universal morals and concepts are not possible as our understandings of values, morals, and concepts of humanity come from within the communities we are born into. If morals come from community and are not universal it leads to scepticism of cosmopolitanism and the rejection of the concept of common humanity. Such a critique of universal values comes through clearly in realist international relations theory, to which I now turn my attention.

Part Two: The Realist Critique of Common Humanity

In much realist literature on international relations, the concept of common humanity is subject to critique insofar as it may lead to misguided and dangerous state behaviour. Power is the most important guiding principle of much realist discourse with any ideas about the values of ethics being mute in the face of raw power. When faced with situations of war, the sovereign will demonstrate its power in order to maintain its interests, with any notions of universal morality exiting the equation (Vallianos, 2013, p. 211). However, as with the communitarian literature, realism has a diverse range of theories that vary significantly and come to considerably different conclusions. The realists discussed here that disagree with the concept of common humanity do not, therefore, necessarily reflect the beliefs of all realist scholars. For example, Hans Morgenthau, a realist, believed that the world had to work together when dealing with the threat of nuclear weapons as it was matter of life or death for humankind (Morgenthau & Thompson, 1985, p. 450).

Most realist theorists reject the idea that a state would act out of moral concerns for another state. A common line of argument used by classical realists is the criticism that moral discourse ignores the political realities of the international system (Korab-Karpowicz, 2013). Realists such as Machiavelli,

Spinoza, Hobbes and Hegel all believed that morality and ethics had a limited role in international relations (Carr, 1946, p. 153). Likewise, Hans Morgenthau, a prominent realist political scientist in the twentieth-century, did not dismiss morality being considered by politicians but argued that it had to be weighed against prudential concerns. A state cannot act in the name of morality if it puts its citizens at risk of harm; the consequences of action have to be taken into account and prudence must be used (Morgenthau & Thompson, 1985, p. 12). However, as mentioned above, when it came to nuclear weapons, he did support arms control and eventual nuclear disarmament as this was “a question of life or death for all mankind” (Morgenthau & Thompson, 1985, p. 450).

In *The Twenty Years Crisis*, Carr criticises the use of ethics and concepts of universal justice in international politics. Carr first published *The Twenty Years Crisis* in 1939 and was reacting to the utopian idealism of the League of Nations. He challenged the idealists who believed that war is an aberration in the course of normal life and the way to prevent it is to educate people for peace, and to build systems of collective security such as the League of Nations or today's United Nations (Carr, 1946). Carr criticised the rhetoric of statesmen associated with liberalism such as Woodrow Wilson, who declared that it was necessary to “not only think first of America, but... also... think first of humanity.” Further, when speaking on the First World War to the US Senate he stated, “[t]hese are American principles, American policies. They are the principles of mankind and must prevail.” (Carr, 1946, pp. 78-79). This concept of universal principles is dismissed by Carr, who questions moral universalism, declaring that “morality can only be relative, not universal” (Carr, 1946, p. 19). He believes that these concepts of humanity can only be created by the superpowers, or a collection of like-minded powers. Smaller states or communities do not have the same power to impose their beliefs onto the international community (Carr, 1946, p. 79). This leads Carr to reject internationalism and cosmopolitanism, based on the belief that powerful states support internationalism and cosmopolitanism “to justify and maintain their dominant position.” (Carr, 1946, p. 75). The states that support a unified world do so as they have the power to control such a world (Carr, 1946, p. 85- 86). States are concerned with their own affairs and when they refer to universal values and interests they are actually acting to enhance their own interests (Carr, 1946, p. 71). Carr’s *Twenty Years Crisis* was a reaction to the League of Nations, but the thoughts expressed can also be related to other institutions that promote collective security based on explicit or implicit references to common humanity, such as the United Nations.

Carl Schmitt was another prominent realist thinker, writing in Germany during the Weimar Republic (Korab-Karpowicz, 2013), who rejected the concept of humanity as politically illogical and potentially dangerous. Schmitt was very critical of ideas associated with liberalism, humanism, pacifism, and

social equality (Vallianos, 2013, p. 211). He was convinced that the turn towards liberal cosmopolitanism in twentieth century international law would undermine the conditions of stable and legitimate international legal order (Korab-Karpowicz, 2013). To natural law and liberal-individualistic doctrines, humanity is universal, a social ideal, and a system of relations between individuals. Schmitt argues that if this existed there would be no nations, class struggles, and no enemy groupings as everyone would subscribe to the same set of beliefs (Schmitt, 2008, p. 55). The fact that there are nations, class struggles and enemy groupings means that the liberal theory of humanity is incorrect. Schmitt, therefore, is critical of attempts to realise the idea of universal humanity, claiming, "an emotion that does not transcend the limits of the subjective cannot be the foundation of a community." (Schmitt, 1986, p. 161). Even if common humanity was a recognised part of international law, all law is situational, and the existence of a state places it above legal norms. If a state desires, therefore, it can break from normative ties in order to fight for its self preservation (Schmitt, 1985, pp. 12-13). This demonstrates Schmitt's rejection of the concept of common humanity and follows the communitarian argument that concepts of humanity are particular to specific communities.

Expanding on this, Schmitt's friend/enemy distinction demonstrates how international politics is fragmented, and that a universal conception of humanity does not affect a state's practice. The world political system is compromised of friend/enemy groupings rather than a universal political society (Schmitt, 2008, p. 45), with states deciding between who is and who is not the friend and enemy (Schmitt, 2008, pp. 43-44). Schmitt's belief in a fragmented world comprised of alliances and tensions between states is incompatible with a concept of common humanity as shown by him stating that "[a] world state which embraces the entire globe and all of humanity cannot exist. The political world is a pluriverse, not a universe." (Schmitt, 2008, p. 53) Furthermore, Schmitt argues that only if states did away with the friend/enemy relationship would common humanity be theoretically possible. Hence, "[i]f the different states, religions, classes, and other human groupings on earth should be so unified that a conflict among them is impossible and even inconceivable... then the distinction of friend and enemy would also cease" (Schmitt, 2008, p. 53). In other words, the definition of politics in terms of a friend/enemy distinction and the permanent possibility of war between these groupings, nullifies the realisation of the concept of common humanity. The friend/enemy concept means that there is always the possibility of fighting with other states given the right circumstances (Schmitt, 2008, p. 27). Schmitt's approach removes any notion of common humanity existing in international politics, believing states choose to ally with some communities whilst denouncing others as enemies. Schmitt rejects the idea of common humanity as illogical, for if common humanity really existed there would be no politics and no wars, as it would be impossible

for us to commit such acts against our fellow human beings. If common humanity was a reality, we would see states attempting to come together instead of power blocs forming based upon the friend/enemy complex.

Following his friend/enemy critique in international politics, Schmitt goes on to elaborate on the state of humanity and war. For Schmitt, in theory humanity cannot wage war and yet it has been used to justify wars:

Humanity as such cannot wage war because it has no enemy... The concept of humanity excludes the concept of the enemy, because the enemy does not cease to be human being-and hence there is no specific differentiation in that concept. That wars are waged in the name of humanity is not a contradiction of this simple truth; quite the contrary, it has an especially intensive political meaning (Schmitt, 2008, p. 54).

This quote reinforces Schmitt's rejection of the existence of common humanity but also illustrates why such a notion should be treated with caution. The invoking of humanity in war is a political move undertaken by a state to mobilize its people against the enemy. Justice and morality do not belong with war with the supporters of a just war usually being motivated by a political agenda (Schmitt, 2008, p. 49). For this reason Schmitt paraphrases Proudhon stating, "whoever invokes humanity wants to cheat." (Schmitt, 2008, p. 54). These wars can be particularly barbaric and contradictory to the rhetoric used by common humanity as declaring the enemy to be an outlaw of humanity allows for a war to be waged with extreme inhumanity (Schmitt, 2008, p. 54). In wars for humanity, the enemy is degraded to the status of a monster that must be completely destroyed (Schmitt, 2008, p. 36). To Schmitt the term humanity has been invoked to justify wars, but this is a political tool as there is no common humanity that binds humans together and those that argue that there is do not do it out of noble moral considerations but to use it as a political tool to separate the enemy from friend.

Schmitt's criticism of liberalism and rejection of 'humanity' has had a lasting influence on international politics. The influential discourse theorist, Chantal Mouffe, for example, shares the concern of Schmitt:

Schmitt's thought serves as a warning against the dangers of complacency that a triumphant liberalism entails. Indeed, his conception of the political brings the crucial deficiencies of the dominant liberal approach to the fore. It should shatter the illusions of all those who believe that the blurring of frontiers between Left and Right, and the steady moralization of political discourse, constitute progress in the

enlightened march of humanity towards a new world order and a cosmopolitan democracy. (Mouffe, 1999, p. 2).

The realist thought of Schmitt has created scepticism towards the liberal and cosmopolitan concept of common humanity and how it has been used in justifying humanitarian interventions.

This argument naturally leads to the realist critique of humanitarian intervention. Despite liberal humanitarian rhetoric, interventions are carried out in order to advance state interests rather than being in line with the concept of common humanity. Not all realists reject the 'humanitarian' side of humanitarian intervention, as "[some] might accept intervention in order to help those in need so long as it does not challenge any core security interests of the state or impose high costs in terms of financial resources or loss of life." (Krieg, 2012, p. 43). However, in reality, no state will risk their own people solely for the welfare of others outside of their borders (Choi, 2013, p. 122). It comes down to political objectives, and a state will readily intervene in another state if it is politically beneficial (Hehir, 1998, p. 30). Many realist thinkers do not have a problem with this, claiming that there is a duty to serve the interests of their state in an intervention, as opposed to the more conventional understanding of humanitarian intervention that promotes a duty to protect those who are suffering in a humanitarian crisis (Pattison, 2013, p. 570). Others, Morgenthau included, have been critical of states for using morality as a way of masking their pursuits of self interest (Morgenthau & Thompson, 1985, p. 13).

There are various reasons why a state may want to intervene in another state for political reasons. The curbing of refugee flows, or the creation of democratic or human rights respecting states for the stability of the international system rather than intervening to save civilians from crises (Pattison, 2013, p. 570). However, whatever the reasons for an intervention it is not legitimate to name it humanitarian intervention if it does not serve a humanitarian purpose, it is an intervention for furthering the intervener's interests (Choi, 2013, p. 122). From this realist perspective, humanitarian intervention may be seen as being too unpredictable and expensive for it to be used for the good of common humanity, with the impossibly difficult objectives of humanitarian intervention being a further deterrent to intervention (Hehir, 1998, p. 30). Contrary to the cosmopolitan belief, these realists argue that humanitarian intervention is an oxymoron.

These realist interpretations are in stark contrast with the liberal cosmopolitans regarding matters of emotion and morality entering the discourse on humanitarian intervention. Certain realist figures dismiss the liberal interpretation of common humanity in international politics. Common humanity, from this perspective, will not be used to bring about a utopian world where universal human rights

reign supreme, it will be a world where powerful states justify their wars by arguing that they stand for humanity while the enemy stands for tyranny. It will be another way of justifying a particular state's foreign policy, raising human rights issues only when it suits their interests. The United States' condemnation and forceful removal of a regime such as Saddam Hussein's, for example, was tied to their overall geo-political interests. It makes sense for them to condemn regimes that they are hostile towards. In other states, such as Saudi Arabia, with high human rights abuses, issue is not taken as the United States and other Western powers that promote human rights have good relationships with them and they offer economic benefits. To the realists discussed here this summarizes the use of human rights and the concept of common humanity: it is a manufactured political tool used when it is convenient to do so but then is ignored when it becomes inconvenient. The way in which common humanity is manufactured by the powerful is discussed in the next section.

Part Three: Poststructuralism and Common Humanity

In addition to realist critiques, poststructuralist thought has been used to criticize the concept of common humanity. Poststructuralism differs from realism in many ways but in terms of the thesis and the wider topic of common humanity both schools of thought believe international politics is structured around power. Poststructuralist theorists offer insight into the ability to utilize this power to create norms in a historically specific time and place and then exploit this to their advantage. One of the major themes of poststructuralism is the rejection of absolutes. Instead, poststructuralism places an emphasis on the temporal situation in which norms arise, as this makes norms contestable as they are very specific to a certain time and context and thus are subject to change (Miller, 1998, p. 205). In the context of this thesis, this would mean that our common humanity is a social construct particular to a certain place and time (Bevir, 1999, p. 357). Foucault, for example, stresses the importance of historical context and on the topic of humanity, in *The Order of Things*, he states that the concept of mankind is not something that has always existed, instead it is a recent invention appearing in Europe since the sixteenth century (Foucault, 1970, p. 386). In contrast to the liberal and cosmopolitan theorists who regard common humanity as natural and rational, the poststructuralists in this section argue it is manufactured and prone to exploitation.

This section will argue that the powerful states are the ones that give meaning to the norms that arise in a specific historical context. Firstly, Foucault's work on knowledge and power and the importance of discourse in shaping the world will be discussed. Both Dalby and Orford build upon Foucault's discourse theory and demonstrate how international politics has been shaped by the

powerful. The focus of Dalby's work was on the hegemony of security discourse. He demonstrated that the ideology of the West was championed as hegemon and the Soviet Union portrayed as the evil other that could not be trusted, thus the weapons and institutions of the Cold War period were justified (Dalby, 1990, p. 12). Orford uses a similar poststructuralist critique but applies it to the topic of humanitarian intervention. Like the realist critique the poststructuralist critique focuses on the role power plays in shaping international politics, as opposed to altruism or philanthropy. There is the rejection of universalist concepts of humanity as absolutes with sections of poststructuralist scholarship offering a more nuanced perspective on the concept of morality.

Poststructuralists stress the importance of the link between power and identity in international politics. Foucault's work on poststructuralism focuses on the relationship of knowledge and power. To Foucault, discourse is used to shape understandings of the world. Hence, "[i]n Foucault's terms discourses are much more than linguistic performances, they are also plays of power which mobilize rules, codes and procedures to assert a particular understanding through the construction of knowledges within these rules, codes and procedures." (as cited in Dalby, 1990, p. 5). These discourses can be used to include some whilst excluding others:

Discursive practices are characterised by the delimitation of a field of objects, the definition of a legitimate perspective for the agent of knowledge, and the fixing of norms for the elaboration of concepts and theories. Thus, each discursive practice implies a play of prescriptions that designates its exclusions and choice. (Foucault, 1977, p. 200).

Foucault argues that "[o]therness is inherent in the analysis of discourse." The other is distanced and considered inferior based upon cultural, racial, national, or political difference. (as cited in Dalby, 1990, pp. 6-7).

The link between power and identity found in Foucault's work is carried out by other poststructuralists. Morgan draws attention to the importance of power in shaping the world, highlighting the exploitation of those without power by those with power. The exploitation of the developing world by the industrialized world is a prime example of this (Morgan, 2003, p. 380). Identity is a tool used to reinforce hegemony in international politics; "[t]he critical dimension of the concept of ideology... refers to its function in maintaining power relations." (Dalby, 1990, p. 8). Powerful states use intellectuals to disseminate commonly accepted conceptions portraying the existing economical and political state of affairs as natural, inevitable, legitimate and in the interests of all social groups or classes. These theorists use intellectual rationales to perpetuate certain political stances that the hegemon wants spread (Dalby, 1990, p. 9). Dalby draws from Mouffe when

referring to hegemony and identity. Hegemony is a discourse of political domination, understandings of the world do not come from 'common sense' they are created by those that support political domination: "Thus, in Mouffe's words a hegemonic class is one 'which has been able to articulate the interests of other social groups to its own by means of ideological struggle.'" (as cited in Dalby, 1990, p. 9). This is how the hegemon dominates international politics:

In critical cultural studies the term hegemonic is often used to refer to ideological formulations that are widely accepted and used to structure social and political life... Here hegemony refers to all political and ideological structures of domination, including therefore the mobilization of discourses to render a political position acceptable, legitimate, common sense. (Dalby, 1990, p. 10).

The powerful define their lands, allies, and sphere of influence as well as the 'other', this can be created out of ideological, cultural, religious, or other social differences (Dalby, 1990, pp. 17-18). The other is created by appealing to people's sense of identity and fear, focusing on the other as one that is against 'us'. The operation of exclusion is used in order to promote one idea, value, or group while keeping out other ones (Dalby, 1990, pp. 17-18). This creation of the other is an example of ideological hegemony, "[t]hese geopolitical processes of cultural dichotomizing, designating identity in distinction from Others, are important in the ways world orders are constructed." (Dalby, 1990, pp. 22-23). Rather than embracing all of humanity with all its differences and nuances, the powerful draw distinctions between those that are included as a part of humanity and those that are excluded.

In order to intervene in regions that pose no threat, rhetoric has to be applied in order to legitimize these interventionist actions. The violation of a state's territorial integrity is a serious action to take that violates the UN Charter unless authorized by the UNSC, so for this to be undertaken very good reasons have to be given to justify it. Most readily accept that there is not a legal case for justifying humanitarian intervention, so they don't even attempt one, rather they argue that sometimes international law has to be broken and it should not be mourned as it is no longer applicable to contemporary society (Orford, 2003, p. 165). The 'otherness' is created to influence the people of the hegemonic power into being sceptical, wary, afraid, or hostile towards the other. With this hostility the hegemon can then justify its geopolitical interests by alluding to the threat posed from the other. The narrative built is that the other is a challenge to Western universalising culture and so it must be shut off in its own space and controlled (Dalby, 1990, p. 160).

The war on terror is an example of how playing on people's fear has created the other. Terrorists have been labelled irrational barbaric criminals who fall outside the realms of humanity; this has

been done to reduce any possible legitimate grievances that they may have. The rhetoric used alienates them from the civilized world and limits their influence as they are repeatedly labelled as people who want to watch the world burn and to destroy 'our way of life' (Jackson, 2002, p. 4). This is an effective way of defining the enemy as evil and building favour in order to combat this threat considered outside the realm of humanity.

Anne Orford's work on humanitarian intervention offers an example of how poststructuralism can be deployed in order to critique the concept of common humanity. Orford criticizes the liberal internationalism that believes "humanitarian intervention has become necessary to address the problems of local dictators, tribalism, ethnic tension and religious fundamentalism thrown up in the post-Cold War era." (Orford, 2003, p. 4). In *Reading Humanitarian Intervention: Human Rights and the Use of Force* Orford develops critical readings of the narratives that underpinned the militarized humanitarian interventions of the 1990s (Orford, 2006, p. xiii). The narrative used to justify humanitarian intervention is neo-colonial in nature with the native other represented as being in need of protection and governance:

The way in which international law portrayed the need to intervene in order to protect and look after the people of 'failed states', and the forms of dependence set up in post-conflict 'peace-building' situations, seemed to rehearse colonial fantasies about the need for benevolent tutelage of uncivilised people who were as yet unable to govern themselves (Orford, 2003, p. 11).

Orford's critique of the narratives of humanitarian intervention not only builds the other as being potentially hostile it also builds the state that is not the other into a 'white knight'. From this point the powerful state can do as it pleases as it claims its actions are in the interests of humanity as a whole, "[i]n the texts of humanitarian intervention, the heroic subject is produced according to the logic of a narrative which legalises (or at least legitimises) the violence carried out in the name of the international community." (Orford, 2003, p. 190). The international community is given a stature that it is not fully deserving of, being portrayed as the holder of values such as peace, security, human rights, justice and freedom (Orford, 2003, p. 165). The strong white knight and the damsel in distress is a narrative that that has been perpetuated in cases dealing with humanitarian intervention:

Narratives... regularly produce images of the people who live in states targeted for intervention as starving, powerless, suffering, abused or helpless victims, often women and children, in need of rescue or salvation. The capacity to imagine that a heroic international community is needed to rescue huge

numbers of the world's peoples is made possible against the background of other, similar stories. (Orford, 2003, p. 174).

This narrative leaves the international community with its power and authority as the only ones capable of protecting states from their own regimes (Orford, 2003, pp. 169-171). This form of narrative makes it easy for a state to justify its actions as "[t]he image of military action being conducted by the 'international community' in the name of peace, security, human rights and democracy ha[s] meant that many inhabitants of industrialised states [are] increasingly willing to support militaristic solutions to international conflicts." (Orford, 2003, pp. 11-12). Identity politics has led to Western powers legitimizing their interventions into other states by claiming these states fall outside of the realms of humanity and are in need of 'civilizing'.

The imperialistic interventionism is a concern to Orford as humanity is used as an exploitive civilizing mission imposed onto international politics. The idealism of liberalism and cosmopolitanism to achieve a world built on universal values and a concept of common humanity does not necessarily lead to a desirable outcome:

As with classical colonialism, the threatening underside of this dream of harmonisation is that, in its name, local or indigenous cultures are destroyed, resources are exploited and resistance is quashed. Thus while humanitarian intervention seems to promise a world in which self-determination and human rights will be privileged over national interests or imperial ambitions, we nonetheless see exploitation, domination, invasion and governance legitimised in its wake. (Orford, 2003, p. 189).

This neo-imperialism will lead to a world void of heterogeneity as the regimes categorised as the other will be exposed to intervention and be rebuilt in the image of the intervening state:

Reading the texts of humanitarian intervention alongside those of postconflict reconstruction reveals the dream of a world of sameness or, to adopt the language of free trade, harmonisation. In the 'Single Economic Space' of this imagined future, any national or indigenous differences, or technical barriers to trade, will be swept away by an all-powerful international community in its relentless march towards standardised regimes of privatisation, investment deregulation, intellectual property protection, and limited health and safety regulations. (Orford, 2003, pp. 188-189).

Orford is a proponent of pluralism in international relations, warning of the dangers of neo-colonialism and neo-imperialism.

Orford is not the only poststructuralist that is a proponent of difference. A key concept put forth by poststructuralist authors is the production of difference. Diversity is embraced as an inescapable and

positive quality in political and social life. By embracing all cultures and their perspectives it makes it impossible to create a single humanity as there are too many differences between cultures, what one culture views as moral the other may regard as immoral. The diversity of the world means that a morality is only identifiable to a particular community that subscribes to that 'definition' of morality (Morgan, 2003, pp. 382-383). In relation to humanity this means that poststructuralists embrace differences between cultures and lifestyles of people, as opposed to the belief that there is a superiority of one way of life (Morgan, 2003, p. 375). According to Morgan, cultural and ideological differences should be accepted with a focus on relativism as opposed to absolute values. There should not be one way to live in the world we should embrace our differences and accept that no one group of people are perfect and hold a monopoly on how morality should be defined (Morgan, 2003, pp. 377-378). Dalby concludes his work by advocating for a pluralistic understanding of international relations, rejecting the hegemony of ideology and a more accepting international community embracing diversity where more actors are empowered:

To tackle the hegemonic discourses of power politics requires taking seriously the multiplicity of critiques of existing political discourse, 'all of which take for their point of departure the right of formerly un- or misrepresented human groups to speak for and represent themselves in domains defined, politically and intellectually, as normally excluding them, usurping their signifying and representing functions, overriding their historical reality. (Dalby, 1990, p. 180).

The poststructuralists examined do not believe that the concept of common humanity is desirable as it can be exploited to eradicate difference in international politics and project the hegemon's identity, ideology and values onto the rest of the world.

The poststructuralist critique contests the concept of common humanity. As with realism, it leads to a scepticism toward an all-encompassing notion of humanity, suggesting that instead of striving for universal values the international community should embrace the differences between societies. The emphasis on universalism and making the world conform from some (Dalby, 1990, p. 23) led to the creation of the other. The other is intrinsically linked to common humanity as the concept of common humanity is the manifestation of the global hegemony of the West. In other words it is not universal and thus not common humanity as it does not represent the values of all human beings. The West has labelled certain regimes as being an affront to the civilised world and our collective morality, or universal conscience:

Narratives present rogue states, ruthless dictators and ethnic tension as threats to the established liberal international order. The argument made by those in favour of humanitarian intervention during

the 1990s was that the use of force is necessary to address the problems of racist and ruthless dictators, tribalism, ethnic tension, civil war and religious fundamentalism thrown up in the post-Cold War era. (Orford, 2003, p. 164).

Those states that do not conform to Western sets of traditions, beliefs, and culture are outside our common humanity and are considered the other. It has been determined that they are the enemy and they can either conform in order to closer align to the West or they will face potential military force if they continue to act in a way that shocks our human conscience. The poststructuralist approach used here criticises this, arguing that if the concept of common humanity continues to be used in international politics people of difference will be targeted as threats to Western states and will be considered outside the realms of humanity, so they will either be destroyed or forced to assimilate into the 'global' interpretation of humanity. To the poststructuralists examined common humanity is not something that is a universal truth that has always existed, it is a social construct in a particular political context. The rejection of absolutes and support for diversity reflects a relativist and communitarian narrative in constant tension with universal ideals.

Part Four: International Law, Common Humanity and Humanitarian Intervention

This chapter has offered an overview of the arguments against the concept of common humanity, contesting the universal aspect of cosmopolitanism and instead emphasising the plural nature of humanity. As there is not substantial evidence that humanity has evolved to represent the concept of common humanity, it is illogical and sometimes dangerous to apply this concept to international politics. Based upon the previous critique put forward in this chapter this section will demonstrate the criticism of altering international law and sovereignty to reflect cosmopolitan beliefs in common humanity. Those that find the concept of common humanity in international law to be problematic have various reasons for their beliefs; some are realists while others have sympathy for communitarianism, while others still are legal theorists first and foremost and do not see sufficient legal cause for common humanity to exist in international politics.

The contestation of the concept of common humanity can be seen in the ambiguous nature of the declarations surrounding universal human rights. In contrast to the previous chapter, a contrary interpretation of international human rights treaties is that these declarations show that there is a lukewarm commitment to the concept. In the case of the Universal Declaration of Universal Human Rights, it is treaty but is not legally binding. It is a list of rights that should be upheld but there are no legal consequences for failing to adhere, as it still lacks a binding enforcement element (Thornberry,

1980, p. 256). The reason for the lack of clarity in regards to the Universal Declaration of Human Rights is because the only way it would be passed was for it to be vague enough to appease all signatories as they had different interpretations of what universal standards should be (Boyle, 1960, p. 168). This indicates that there is no legal standing in the international arena on the subject of universal rights as states are not obliged to uphold human rights. It is a different matter in the case of Western Europe and the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in 1950 by fifteen countries, as all of the signatories had similar values and so it was possible to make a strong document that had legal standing as it was practiced by the states that signed it. It also had an enforcement strategy to ensure all states abided by it (Boyle, 1960, pp. 168-169). The point of this example is that it demonstrates that the world is too varied in terms of cultural and religious diversity for universal standards to apply to human rights. The United Nations may produce statements promoting human rights but there has not ever been a clearly written, unambiguous declaration regarding the upholding of human rights as many states would not support it. Many are not comfortable with signing a declaration when it comes to altering notions of sovereignty, international law, and promoting humanitarian intervention in order to protect human rights, as it stops being compatible with their ethical practice (Boyle, 1960, pp. 171-172).

In relation to universal human rights there have been many states that have either signed declarations and not adhered to them or signed declarations without ratifying them. This further demonstrates the lack of commitment to the concept of common humanity. For example the US has yet to ratify the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) (Human Rights Watch, 2009). If the international community produces a signed declaration that is not backed up by state practice then the document loses its legal validity (Boyle, 1960, p. 167). In this regard for any state that has either not signed a human rights declaration or has not ratified one there is no legal obligation to adhere to the declaration through treaty law, these states cannot be held to account if they abuse human rights as they have not recognised them.

One interpretation of the role of state practice in customary international law is to downplay its role by looking at the treaties signed and using this as a gauge to determine a state's practice (Bernstein, 2012, p. 324). Under this interpretation, if treaties have not been ratified they are not a part of customary international law. The lack of ratified human rights treaties indicates that the realisation of common humanity is perhaps not desired by broad sections of the international community, and if it is undesirable it should not be enforced onto all. Expanding on this, even in cases a treaty has

been ratified, if it is not backed up by state practice it cannot be claimed to be an effective part of international law.

In legal circles there has been criticism about the state practice criteria of human rights principles as it has been inconsistent. The selectivity of justifying interventions for humanitarian purposes brings the sincerity of the call for international law to be built upon the values of common humanity into disrepute as it has not represented consistent state practice. In cases of an external state committing human rights abuses there has been a lack of understanding in terms of what the international community can do to uphold the rights of the citizens living in these 'rogue' states (Welsh & Banda, 2010, p. 216). However, there has been debate amongst legal scholars as to whether or not humanitarian intervention and RtoP have created a new norm in customary international law or if it is just a continuation of existing commitments. In order for something to become an element of customary international law it must be a part of a consistent state practice and must adhere to *opinio juris* (Enabulele, 2010, p. 413), but this condition of state practice has not been met as very few, if any, interventions have been carried out for humanitarian reasons (Enabulele, 2010, p. 419). Enabulele argues that there has not been a large enough contingent of states that have supported RtoP for it to become a norm of customary international law, despite the 2005 UN World Summit outcome (Enabulele, 2010, pp. 415-416). In addition, if it had become a norm of customary international law then it would be unlawful not to intervene in a state where there are human rights abuses. But as we have seen, humanitarian intervention is very selective, thus it cannot be considered a part of international law as there are no repercussions if a state does not intervene (Enabulele, 2010, p. 416).

An important part of international law that has been criticised for either being ignored, or redefined, as mentioned in the previous chapter is *opinio juris*. Dahlman states that *opinio juris* only becomes a part of international law if there is a broad acceptance of the law in question. Regarding interventions, he states that there have been numerous cases where states have intervened but that these have been considered illegal because there has not been widespread approval of interventionism (Dahlman, 2012, pp. 335-336). Corten rejects the liberal internationalist belief that "[t]he post 1990 era has given... *opinio juris* even more credibility" as humanitarian interventions have become more accepted as a common practice by a large number of major powers (Krieg, 2012, p. 13). The manipulation of *opinio juris* has been argued to more closely reflect neo-imperialism than represent a universal concept of humanity. The weight of state practice favours the powerful states as their actions are more in the limelight and they can wield their strength in order to manipulate other states into following their lead. Gerry Simpson's *Great Powers and Outlaw States* highlights

how the powerful states have the ability to shape international law while the smaller and middling powers have to conform to these new constructs of law. Simpson labels this phenomena 'legalized hegemony' (Simpson, 2004, pp. 5-6). In the twentieth century a liberal anti-pluralism took place whereby the great powers labelled certain states criminal or outlaw that fell outside the bounds of liberalism (Simpson, 2004, pp. 4-5). Corten highlights the prevalence of those that consider *opinio juris* to be necessary in halting these super powers from completely shaping international law (as cited in Boucher, 2011, p. 764). It is important to recognize that smaller states have the right to be the 'persistent objector'⁵ if they do not agree with emerging norms that are being created through state practice.

Embedded in international law is the concept of sovereignty. The critics of the concept of common humanity point to the importance of state sovereignty and the right for a state to exercise its right to independence and territorial integrity. Westphalian sovereignty or state sovereignty is the most recognised form of sovereignty, in 1758 Vattel declared that '[a] dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom.' This idea was reinforced in the United Nations Charter that states in Article 2(1) '[t]he organization is based on the principle of the sovereign equality of all its members' (Henderson, 2014, p. 3). Under this concept of sovereignty states are autonomous with their own set territories and are exempt from external intervention having the right to choose their own form of government (Krasner, 2001, p. 21). The concept of state sovereignty forbids interference from outside states in local matters; although as seen, this interpretation of sovereignty is becoming more highly contested (Steinberg, 2013, p. 68). This form of sovereignty is a large hindrance in regards to intervening for the sake of common humanity as it opposes intervention based on the right of territorial integrity.

State sovereignty under international law is most clearly defined in the Charter of the United Nations. The charter clearly states under articles 2(4) and 2(7) that states must respect each other's independence and right of rule within their territorial boundaries (Czernecki, 2002, p. 395). It is clear that state sovereignty is both a part of customary international law and treaty law (Enabulele, 2010, p. 413). It is part of treaty law because of the UN Charter and part of customary law because of state practice, as mentioned above. Adding to this the International Court of Justice (ICJ) strengthened the claim of state sovereignty and rejection of intervention in 1986 when in *Nicaragua v the United States* it was adjudged that, "the principle of non-intervention involves the right of every sovereign state to conduct its affairs without outside interference... it is part and parcel of customary international law" (Czernecki, 2002, p. 396). This demonstrates the desire from the

⁵ Term explained in previous chapter.

international community, reflected through the United Nations, to uphold state sovereignty over any other form of sovereignty. Despite the a growth in the idea of humanitarian intervention and changes in notions of sovereignty many still believe that there has been no suitable alternative to state sovereignty and so it should continue to be used in international relations (Traub, 2009, p. 75). This demonstrates that there is an opposing argument made that criticises the changing of international law and notions of sovereignty to better reflect the concept of common humanity.

In the absence of a strong commitment from the international community, the idea of common humanity is weakened. The critics argue that international law is being manipulated by those that wish to impose a universalist form of law upon the world: the reluctance to ratify treaties, mixed state practice and the lack of *opinio juris* illustrate that the concept of common humanity is an emerging norm but the notion does not hold sway over all states. If treaties relating to common humanity were ratified, and there was consistent state practise and recognition in the form of *opinio juris* then it could be invoked, but it is argued that this has not been the case. Much like international law, a similar case is made for state sovereignty to be maintained over sovereignty as responsibility. There is not substantial evidence of a shift to embracing a form of sovereignty that supports common humanity and so it has been argued that traditional state sovereignty should continue to be used in international politics. The critique here does not rule out future change in international law to greater reflect common human interests but demonstrates that there has not been strong commitment to the concept from the international community and that there are significant hurdles to overcome in order to implement the concept without contention from many parties.

Conclusion

There are those that are critical of the concept of common humanity, as forms of universalism are too simplistic in explaining humanity. This chapter has explored the communitarian concepts of identity, Schmitt's critique of the political use of humanity and the creation of the other. This 'critics' chapter raises doubts as to whether the concept of humanity should be used in a political situation. The communitarian critique questions the universal nature of the concept of humanity. Instead of the concept of common humanity being a universal phenomenon it is argued to be a tool used by the powerful. This is made apparent in the sections on realism and poststructuralism which both emphasise the importance of power and identity in shaping international politics. These sections question the ability to wage a war for humanity. Schmitt argues that international politics is built upon power relations structured upon the friend/enemy concept and because of this suggests that humanity cannot wage war, as wars are built on the premise of distinguishing friend from enemy.

Both Schmitt and Carr believe that wars for humanity are really motivated by state interest as the powerful are not really concerned about human rights being upheld. Additionally, the concluding thoughts of Orford's work on the other also arrive at the conclusion that a war that conforms to the concept of common humanity is prone to exploitation. The critique in this chapter does not rule out the possibility of international politics reflecting the concept of common humanity in the future but at present there is not enough evidence to demonstrate that there is a real commitment to the concept on behalf of the international community. This results in the possibility of the concept being used by a few powerful states to restructure international politics to reflect their identity, values and concept of morality. The arguments that are put forward by the critics of common humanity in international relations extend to intervention debates and the final chapter explores the practical implementation of the concept of common humanity in the specific case study of Libya.

Chapter Four: The Use of Common Humanity in Humanitarian Interventions: The case of Libya

The concept of common humanity is pertinent to the intervention in Libya in 2011. It was reflected in the rhetoric used to justify the intervention but, beyond this, it was notable in its uneven application both during and after the NATO bombardment. In order to justify using military force in distant lands, intervening states have had to use morality as a way of building legitimacy. However, beyond using the term to justify the intervention, the way in which the intervention was conducted demonstrates the flawed nature of a concept of common humanity, and to the difficulties that are bound to arise from any attempt to make it a grounding for humanitarian interventions.

This chapter will argue that Libya demonstrates the problems associated with the politicization of the concept of common humanity and its use in justifying humanitarian intervention, despite Libya being considered by some as a triumph of humanitarian intervention. Theorists, such as Pattison, have supported the recourse to action as Gaddafi's imminent attack on Benghazi left no alternative but to intervene (Pattison, 2011, p. 273) and that this was grounded in RtoP principles. Thakur, for example, praised President Obama for "reject(ing) the traditional, *realpolitik* definition of US interests in favour of an alternative, values accommodating definition" (as cited in Graubart, 2013, p. 70). Another RtoP advocate, Thomas Weiss, also backed the decision by the Security Council to authorize the intervention, proposing that "Libya suggests... that it is not quixotic to say no more Holocausts, Cambodias, and Rwandas - and occasionally to mean it" (as cited in Graubart, 2013, p. 70). While this remains one particular interpretation of the intervention there are reasons to be sceptical of this interpretation. This chapter will explore an alternative interpretation where it will become apparent that Libya was not an unqualified success story of humanitarian war. In this chapter, I will start by outlining the events that transpired in Libya in 2011 and the aftermath. I will also show how the concept of common humanity was invoked in Libya. Finally, the last two sections examine the conduct of the operation and the difficulties of invoking the concept of common humanity in a practical situation.

Part One: Outline of Events in Libya

The civil war in Libya during 2011 began after protesters were shot at in Benghazi. In response, on 17 February 2011, thousands of Libyans started protests on the streets of eastern Libyan cities: Benghazi, Ajdabiyah, Darnah, and Zintan (Deeb, 2012, p. 64). Gaddafi refused to give in to the protestors' demands and a civil war erupted as a result. The National transitional Council (NTC) was

formed as an alternative to Gaddafi's regime claiming that they represented the Libyan people and Gaddafi did not. The NTC played a crucial role in convincing the international community that they were legitimate and needed military support (Deeb, 2012, pp. 64-65). By 20 February, the rebels had taken control of Benghazi and other cities in the east of Libya. In response Gaddafi cracked down on dissent and rebellion in Tripoli and other parts of western Libya. Then, on 17 March, 2011, the UN Security Council passed Resolution 1973 that authorized 'all necessary means' to protect Libya's civilians from attacks. The US-led operation, code named *Odyssey Dawn*, destroyed Gaddafi's air defences, forced his troops to retreat, and established a no-fly zone over most of Libya (Chivvis, 2012, p. 71). After this initial foray the operation was transferred over to NATO and became *Operation Unified Protector*, from this point onwards Britain and France took control of most of the operations, with support from Belgium, Denmark and Norway. NATO were involved in the siege of Misrata, one of the major battles of the war, helping the rebels hold onto this important city (Chivvis, 2012, p. 73). The fighting continued, and by 24 August 2011, Tripoli was taken by the rebels with the assistance of NATO strikes (Chivvis, 2012, p. 73). On October 20, 2011, Gaddafi was captured and killed by the rebels after the convoy he was travelling with was bombed by NATO forces after leaving Sirte (Gaynor & Zargoun, 2011). By the end of October the NATO forces had withdrawn and Libya was left to fend for itself.

The hope was that post-intervention Libya would transition into a peaceful democracy, but the situation rapidly deteriorated. In the immediate aftermath of the conflict, anti-Gaddafi armed groups roamed the streets detaining, torturing, and killing presumed Gaddafi supporters, while others took advantage of the power vacuum by taking part in killings of a political or criminal nature (International Crisis Group, 2013, p. i). The elections in 2012 offered promise, with a high voter turnout and victories to relatively moderate political candidates (DeVore, 2014, p. 463). However, this optimism was short lived and by May 2014 the forces that had overthrown Gaddafi were fighting amongst themselves with significant levels of conflict in Benghazi and Tripoli (DeVore, 2014, p. 463). The level of fighting in Libya has increased, with bombings and attacks on civilian structures. Between 1000 and 2500 Libyans have been killed, many of them civilians. Refugee numbers have also increased from 100,000 to 400,000. Additionally, basic resources are becoming harder to come by and the post-Gaddafi Libyan state is crumbling into disarray (International Crisis Group, 2015, p. i). The situation has not improved with time. Four years on from the intervention, violence and anarchy are widespread. With no functioning army, police force, or legal system the government has been unable to restore order and fled Tripoli in 2014 (Greenwald & Hussain, 2014). The rise of the Islamic State in the region has made matters worse, as they took control of the city of Sirte in the early months of 2015 ("Libya profile - Timeline," 2015). After providing a background to the

situation, the rest of the chapter explores the use of the concept of common humanity in regards to Libya.

Part Two: Invoking Common Humanity in Libya

The best examples of the concept of common humanity being invoked in Libya are the resolutions passed by the UNSC. These resolutions invoked principles of the RtoP and, in doing so, tie the intervention in Libya to the concept of common humanity. Additionally, there were statements made by prominent leaders of the intervention that used rhetoric that reflected the concept of common humanity. These leaders, however, also alluded to other motivating factors for the intervention.

Resolutions 1970 and 1973 were passed by the UNSC to stop the atrocities being committed in Libya utilising the language of RtoP. This was the first time that the UN Security Council authorized an intervention into a sovereign state to protect civilians without the consent of the state being intervened in (Glanville, 2013, p. 325). In another first, RtoP was invoked by the United Nations Security Council in order to justify the intervention (Berti, 2014, p. 25). The resolutions did not directly invoke RtoP, but it stressed that Libya had failed to meet RtoP criteria and as such opened itself up to intervention. So even if RtoP was not invoked word for word, the principles of RtoP were reflected in the justification for the intervention (Berti, 2014, p. 26). Others are not so sure. Aidan Hehir argues that the resolution was not as groundbreaking as the RtoP proponents seemed to think, with resolution 1973 drawing from powers that were granted to the Security Council long before the advent of RtoP (Hehir, 2012, p. 13). However, whether or not RtoP was invoked does not really matter, as the values of the concept of common humanity were used to justify the intervention. The first response from the UN to the ongoing crisis came on 26 February 2011 when the Security Council passed Resolution 1970 condemning the human rights abuses being committed in Libya:

The Security Council, expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians, deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government (United Nations Security Council: Resolution 1970, 2011, p. 1).

The resolution stated that the attack on the Libyan people may have amounted to crimes against humanity and stressed concern for the plight of refugees who had to flee their homes in Libya (United Nations Security Council: Resolution 1970, 2011, p. 1). In response to this abuse the resolution called upon the Libyan government's responsibility to protect its citizens (United Nations Security Council: Resolution 1970, 2011, p. 2). Once it was established that Resolution 1970 was not having the desired effect the UNSC passed resolution 1973 on 17 March 2011. The resolution demanded an immediate cease-fire and an end of attacks on civilians, as well as demanding the Libyan government uphold 'their obligations under international law', 'international humanitarian law', and 'human rights law' (United Nations Security Council: Resolution 1973, 2011, pp. 2-3). Most importantly, if Libya failed to meet these demands the resolution authorized member states of the UN to "take all necessary measures to protect civilians and civilian populated areas under threat of attack" (United Nations Security Council: Resolution 1973, 2011, p. 3). The resolutions passed by the UN demonstrate that there was concern expressed for the people of Libya, and the resolutions expressed sentiments that reflect the concept of common humanity.

It was not only the UN that espoused rhetoric that was in line with the concept of common humanity. The statements made by international leaders that took part in the intervention in Libya were grounded upon the values of common humanity as a basis for justifying intervention. In an 'Address to the Nation', Barack Obama justified the position of the United States in regards to the humanitarian intervention by alluding to the morality of the intervention, stating that the United States was not willing to stand by and watch Muammar Gaddafi kill the Libyan people: "[i]f we waited one more day, Benghazi... could suffer a massacre that would have reverberated across the region and stained the conscience of the world" (Office of the Press Secretary, 2011, para. 11). Obama continued on to state that:

There will be times... when our safety is not directly threatened, but our interests and our values are. Sometimes, the course of history poses challenges that threaten our common humanity and our common security... We must stand alongside those who believe in the same core principles that have guided us through many storms: our opposition to violence directed at one's own people; our support for a set of universal rights, including the freedom for people to express themselves and choose their leaders. (Office of the Press Secretary, 2011, para. 34, 40).

In his address Obama conformed to the principles laid out in RtoP and the rhetoric reflected the narrative of humanitarian intervention for common humanity. This follows the argument made by theorists and intellectuals that are proponents of common humanity by arguing that the killings that are taking place affect the international community as a whole, as opposed to just the victims and

their families. However, in the speech he also represented the arguments against such an idea, alluding to national interest, the greater importance on US lives than others, and the inevitable selectivity of any interventions, as will be mentioned later.

The British government also expressed disgust at Gaddafi's response to the protestors and the call to intervene drew heavily upon the concept of common humanity. It was considered necessary to stop Gaddafi from violently targeting the protestors, with Prime Minister David Cameron stressing that Gaddafi had targeted peaceful protestors and threatened to launch a violent attack on Benghazi (Davidson, 2013, p. 321). He stated that "Britain could not stand by as Gaddafi slaughtered his people" (Gov.UK, 2011, para. 6). Alongside this, Cameron announced that there was no place for Muammar Gaddafi in the future of Libya: "[t]he future of Libya belongs to its people". (Gov.UK, 2011, para. 21). David Cameron showed that he was outraged over the treatment of the Libyan people and pledged to protect them. However, even before the intervention, it is clear that Cameron was committed to regime change, which is not necessarily conducive to protecting people.⁶

The French were the other major power involved with the intervention into Libya. The rhetoric used by French leaders also reflected both RtoP, and the concept of common humanity in general. The French believed that Gaddafi was on the brink of mass atrocities and brought up his chequered past in order to generate support for Resolution 1973 (Davidson, 2013, p. 315). Sarkozy labelled Gaddafi's government as 'brutal', 'bloody', and 'revolting'. Alongside this, Foreign Minister Alain Juppé stressed the importance to act quickly before Gaddafi killed the 'liberty-loving' Libyan people (Davidson, 2013, p. 315). There was a call to action in his address on Libya, stating that Benghazi would not be like Srebrenica and that there would be no new massacres like Rwanda ("Speech by President Sarkozy at the High Level Meeting on Libya," 2011). The speech by Sarkozy also alluded to democracy building and the international community's responsibility to act against repressive tyrants: "[I]et all the world's dictators know that the international community is no longer condemned to speeches. It is condemned to action. And if necessary, to take up arms in the service of democracy" ("Speech by President Sarkozy at the High Level Meeting on Libya," 2011, para. 11).⁷ The rhetoric is similar to that of the UN resolutions, Obama, and Cameron all of whom sought to justify the intervention on moral grounds.

It is important to note, however, that these leaders also justified the intervention for reasons of state interest that did not hold the principles of the concept of common humanity in mind. For the

⁶ See section three of chapter four

⁷ As discussed in chapter two democracies are often seen by the West as the mode of governance that best reflects the concept of common humanity.

United States, a combination of factors entered the equation. Libya's geostrategic importance, Gaddafi's status as a ruthless untrustworthy dictator, as well as the violent, destabilising events unfolding in Libya all contributed to the decision (Hehir, 2012, p. 16). Obama readily admitted in his address to the nation that the United States had interests at stake, stating that it was against US interests to allow Gaddafi to destroy his enemies (Hehir, 2012, p. 16). The overall feeling from the US was that they wanted to play a supporting role in the intervention. US Secretary of Defence, Robert Gates, declared that Libya was not of vital interest to the US, and they sought to hand over the reins of the operation as quickly as possible (Greenleaf, 2013, p. 30). The motivation for Britain and France to intervene was also complicated with no single theory of international relations successfully explaining why each state decided to push for an intervention (Davidson, 2013, p. 311).

David Cameron took a keen interest in Libya and upon closer examination it is clear that there were mixed motivations for Britain. Cameron alluded to national interests stating that a regime such as Gaddafi's poses a security risk to Europe, including Britain (Gov.UK, 2011), migration and anti-terrorism played a role in Britain deciding on intervention: if Libya was to descend into civil war it would increase refugee flows from Libya into Europe and additionally it was argued by Cameron that if Gaddafi remained in power Libya would become a haven for terrorist activity (Davidson, 2013, p. 323). Thus, Cameron argued:

We simply cannot have a situation where a failed pariah state festers on Europe's southern border. This would potentially threaten our security, push people across the Mediterranean and create a more dangerous and uncertain world for Britain and for all our allies as well as for the people of Libya (Davidson, 2013, pp. 323-324).

Cameron referred to Gaddafi's past sponsoring of terrorism and argued that there would be a return to this if he was not ousted. It is clear that matters of national security were high on the agenda of the British.

Sarkozy had similar concerns as Cameron. Considering the lack of interest from the other superpowers, the French saw Libya as an opportunity to demonstrate its power and ability to deal with international crises (Davidson, 2013, pp. 317-319). Alongside this, the threat of refugees pouring into Europe was a reason for Sarkozy wanting to stabilise Libya, as a civil war would result in a massive increase in refugees. Due to the proximity of France to Libya, Sarkozy stated that France would be one of the first affected by any events in Libya (Davidson, 2013, p. 316). Added to this was a tension between France and Libya as Gaddafi was already demanding five billion Euros a year in order to stop illegal immigration from Libya. This outraged the French government, who likened it to

extortion, resulting in Sarkozy taking a hard line with Gaddafi (Kern, 2011). Demonstrating French power, tackling refugee flows, and condemning a dictator may have been a way of increasing polling figures. Sarkozy was polling at an all time low and believed taking the initiative on a world issue would demonstrate French prestige in the international community (Kern, 2011). It is clear, then, that France had other reasons other than humanitarianism for intervening in Libya in 2011.

Beyond the three main contributors to the intervention, the abstention of Russia and China from the vote on Resolution 1973 was crucial in allowing the UN to authorize the intervention. This was less motivated by humanitarian concerns and more to do with practicalities. Both abstained from voting, citing that they did not believe the operation would be successful or that the mandate was clear enough (Dunne & Gifkins, 2011, pp. 523-524). This was the official line but the most likely reason for the abstention was because the Gulf Cooperation Council, the Organisation of Islamic Conference and the Arab League pressured these countries into supporting the intervention, this led Russia and China to consider their relationship with this region and they decided it would be against their interests to veto the intervention (Hehir, 2012, p. 14). China had a growing relationship with Saudi Arabia; it had overtaken the US as being the number one buyer of Saudi oil and in 2009 Saudi Arabia gave more aid to China's Sichuan earthquake appeal than any other country. Given Saudi Arabia's presence on the Gulf Cooperation Council, it suggests that China did not exercise its veto in order to maintain favour with one of its most important trade partners (Glanville, 2013, p. 337). The decision of Russia and China to abstain allowed the intervention to legally go ahead but other than that it is not of great importance to the politicization of common humanity as these two states did not play a role in the intervention.

Yet despite the mixed reasoning for the intervention it is clear that the concept of common humanity was invoked in regards to Libya. The concept of common humanity was invoked in Libya by the UN and its resolutions based upon the principles of RtoP. The leading political figures involved in the intervention also made statements that reflected the concept of common humanity. It was clear that there were other motivating factors behind the intervention but this does not necessarily mean the conduct of the intervention could not be in line with the concept of common humanity. The ICISS report admits that state interests will always play a role in determining intervention (ICISS, 2001) and there are arguments that an intervention can still be humanitarian despite not being done purely for the sake of humanity (Krieg, 2012). The protection of common humanity was not the only reason for the international community getting involved in Libya but it is a significant example of the politicization of the concept of common humanity. The rhetoric used is, however, only one part of

this story. In the next section the military operation itself is examined, illustrating some of the difficulties of implementing the concept of common humanity in a humanitarian intervention.

Part Three: The Mission and Common Humanity

As discussed in the previous section, the motivating factors for the intervention were much more complicated than a concern for humanitarianism. However, the primary purpose of Resolution 1973 was to save people's lives, which ties the military operation back to the concept of common humanity. The language of the resolution was in line with the concept of common humanity and it was argued that not acting was not an option in the face of such atrocities. However, applying the concept of common humanity to a real world scenario is fraught with difficulties. The objective may be to stop atrocities and protect civilians but there are many challenges to this. There is no certainty that the intervention was a triumph for humanity: the decision to pursue regime change, uncertainty regarding causalities, and the inability to bring justice to those that committed crimes against humanity all raise doubts about the applicability of common humanity to international politics. This section explores some of the problems the intervention raised in regards to implementing a concept of common humanity in practical cases.

The United Nations Security Council did not authorize regime change but NATO decided to pursue it regardless. This course of action was fraught with danger and not necessarily a positive step towards a Libya that reflects the morality of humankind. The objective of the mission was to protect the lives of civilians. Despite this, Gaddafi was targeted by NATO and his convoy was bombed. He was subsequently caught and killed by revolutionary fighters. The resolution did not grant NATO forces the right to target Gaddafi, as the Security Council does not have the power to authorize the targeting of a head of state or to take part in an operation to remove a head of state legally (Gazzini, 2011, p. 3). This point was not lost on the critics: Russia, China, and other states criticized NATO and its allies for the 'mission creep' that occurred. The targeted strikes, they argued, exceeded the mandate given by the Security Council, and went beyond protecting civilians (Glanville, 2013, p. 338). The importance of 'mission creep', or in this particular case exceeding the mandate, is that it raises questions as to how, or if, the concept of common humanity can be used to guide an intervention. The decision to exceed the mandate certainly does not appear to have been for the interests of the Libyan people, as the offer of a ceasefire only on the condition Gaddafi leave Libya immediately and face trial by the International Criminal Court left him with little choice but to fight as he would face severe charges at any international tribunal. This meant a ceasefire was impossible and prolonged the conflict, putting more civilians in danger (International Crisis Group, 2011, p. ii).

Considering a ceasefire and diplomatic negotiations as an avenue to pursue may have been a better alternative early in the conflict. International Crisis Group believed that this was the case, arguing that the Western powers should have been more willing to negotiate a ceasefire and a transition to a post-Gaddafi Libya before the violence escalated into a full blown civil war (International Crisis Group, 2011, p i). The sincerity of Gaddafi's call to a ceasefire and negotiations is not known and it will remain unknown as it was not considered by NATO or the protesters (Kuperman, 2013, p. 116). Gaddafi had implied he would carry out mass killings of those who rebelled against him, so it is understandable that the international community wanted to act. However, Pattison, who supported the intervention, argues that the threshold for regime change is higher than for humanitarian intervention:

The dangers of regime change are generally greater than that of humanitarian intervention: a larger number of innocent individuals are likely to be killed; the potential for instability in neighbouring regions is greater; and the costs of intervening in terms of the intervening soldiers' lives may be much higher, given the likely need for a significant deployment of ground troops. Given these harms, the bar for permissible regime change should be much higher than that for humanitarian intervention. (Pattison, 2011, p. 272).

The refusal of a ceasefire by the intervening states and the insistence on regime change raises the possibility that the intervention did not save as many lives as could have been saved.

Perhaps a reluctance to pursue regime change would have been beneficial but a difficulty in invoking common humanity to justify an intervention is that it is always impossible to know if an intervention will save lives, with the case of Libya being no exception. The difference between the Libya intervention and most other interventions was that the push to intervene was in order to prevent atrocities from happening, as opposed to reacting to mass atrocities that had already taken place. For this reason the intelligence was vague, with firm figures being difficult to come by. Instead of firm statistics, emotive terminology and vague language were used to describe the number of lives being lost (Davidson, 2013, p. 315). Demonstrating the lack of well-founded evidence, at a March 2011 European Union summit one diplomat stated that there was no substantial evidence apparent of deliberate attacks on civilians that would make an intervention into Libya legitimate (Davidson, 2013, p. 315). Obviously this was not the opinion of the NATO leaders, but it does show the difficulty in coming across solid facts and figures regarding atrocities being committed and the number of people being killed in war zones. This demonstrates the problem of invoking common humanity to intervene when solid intelligence is lacking, as the objective should be to alleviate the suffering of human beings, when an intervention may in fact exacerbate the issue.

The intervention cost the lives of thousands of people, with far more people being killed during the intervention than before it. The numbers are speculation to a certain extent, but it seems that between 10,000 and 15,000 people were killed on both sides in total by early June 2011 (Boudlal, 2011). Any attempt at making a more precise figure is difficult. Other figures include The National Transitional Council stating that up to 30,000 people in total were killed in conflict (Laub, 2011), although this is the highest estimate and is open to bias given they were in opposition to Gaddafi. Various NGOs documented the conflict, with International Crisis Group stating that there were significant effects on civilian populations with the intervention resulting in a large number of casualties as well as a significant rise in the number of refugees (International Crisis Group, 2011, p. i). Additionally, Human Rights Watch released a report identifying eight NATO airstrikes that in total killed 72 Libyan civilians and wounded many more with there being no evidence that these were legitimate targets for NATO (Human Rights Watch, 2012, pp. 6, 7, 10). Overall the civilian casualties caused by NATO airstrikes were relatively low but there needs to be suitable explanations as to why these people were killed (Human Rights Watch, 2012, p. 15), and neither France nor Britain pursued an answer from NATO forces regarding these civilian deaths (Davidson, 2013, p. 316). Others, such as Ben Barry, disagree with these arguments believing that the number of civilians killed was sufficiently low and that overall the NATO intervention saved more lives than would have been lost otherwise. Statements by Gaddafi that 1100 civilians were killed and 4500 wounded by NATO were found to be a gross exaggeration and it is most likely the figure was either five or ten percent of this (Barry, 2011, p. 7); numbers that are supported by the Human Rights Watch report mentioned above. Regardless of the exact number of people killed, the intervention did result in a large number of deaths, demonstrating the difficulty in implementing a successful intervention that reflects the concept of common humanity. Would an alternative strategy in Libya yielded more lives saved? It is impossible to know, but intervention was decided upon and there was a high death toll.

The complexity of the situation in Libya demonstrates the difficulties in implementing the concept of common humanity in a practical situation. The international community decided to side with the rebels to halt the atrocities being committed, mirroring Schmitt's friend/enemy complex and Orford's other. However, it was short sighted if they believed bringing an end to Gaddafi would halt atrocities as it was not only Gaddafi committing crimes against humanity. Understandably, the international community told Gaddafi in Resolution 1973 that he had a responsibility to protect his people, after the UN High Commissioner for Human Rights stated that the violence against the protestors may amount to crimes against humanity. If he did not this would lead to an intervention from the international community (Williams & Bellamy, 2012, p. 276). The request was reasonable as the violence from Gaddafi was escalating but isolating and pressuring Gaddafi was not a

guarantee that peace would reign, and atrocities cease. The vast majority of protestors were peaceful but there was a violent streak to the rebellion from the outset, with sections of the Libyan protestors being armed in the first days (Kuperman, 2013, p. 108). Gaddafi was repressing the Libyan people but from very early on in the piece the protestors incorporated violence (International Crisis Group, 2011, p. 4). Gaddafi's repressive crack down on the protests led to the protestors turning violent, and some protestors formed themselves into armed opposition groups (Williams & Bellamy, 2012, p. 275), who were determined to remove Gaddafi from power and destroy any remnant of the order he had established (International Crisis Group, 2011, p. ii). The International Commission of Inquiry on Libya noted that the rebel forces committed atrocities and war crimes that in the process violated international human rights law. The nature of these atrocities took the form of unlawful killings, arbitrary arrests, torture, enforced disappearance, indiscriminate attacks, and pillaging (Berti, 2014, p. 34). This demonstrates the problematic nature of implementing an intervention founded upon a concept of common humanity, as the international community made the decision to side with the rebel groups but neither side represented the values of common humanity and there was no way of knowing that this decision to side with the rebels would lead to a future Libya that would respect human rights and universal values.

The problem of trialling those that have committed crimes that shock the conscience of mankind were apparent during the conflict. Problems in prosecuting those that have committed crimes against humanity are not a new phenomenon, as mentioned in the first chapter regarding Nuremberg, Bosnia, and Kosovo, and allegations of victor's justice and show trials. The case of Libya has also demonstrated the problem of trying to bring those that have committed human rights violations to justice. The International Commission of Inquiry, set up by the UN Human Rights Council, stated that there had been crimes against humanity committed by both sides of the conflict and that the perpetrators had to be brought to justice: "[t]he Commission confirms its finding from its first report that there have been acts of murder, torture, enforced disappearance and certain acts of sexual violence committed by Qadhafi forces within the context of a widespread or systematic attack against a civilian population... These constitute crimes against humanity." (Human Rights Council, 2012, p. 20). Additionally, "[t]he Commission has also concluded that war crimes and crimes against humanity were committed by *thuwar*... The Commission found acts of extra-judicial executions, torture, enforced disappearance, indiscriminate attacks and pillage. No investigations have been carried out into any violations committed by the *thuwar*." (Human Rights Council, 2012, p. 21). In response to these atrocities the Human Rights Council called upon "the interim Government of Libya to... [i]nvestigate all violations of international human rights law and international humanitarian law... and to prosecute alleged perpetrators, irrespective of their

location or affiliation, while affording them all their rights under international law.” (Human Rights Council, 2012, p. 21).

The international community largely took a hands-off approach to the prosecution of those that committed crimes against humanity. An Amnesty International report condemned the unlawful killings being committed, but was initially satisfied with leaving the NTC in charge of prosecuting those who committed atrocities opposed to calling upon the international community to do it (Amnesty international, 2011, p. 92). In fact, the ICC have only issued three arrest warrants since the conflict broke out in 2011, those of Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi (Coalition for the International Criminal Court, 2014). However, the warrant for Muammar was suspended when he was killed and there has been an ongoing dispute between the ICC and Libyan authorities on who should try the remaining two individuals (Coalition for the International Criminal Court, 2014; DW, 2012). The Libyan transitional government has attempted to convince the ICC that they have the ability to conduct fair trials, while NGOs such as Amnesty have taken a u-turn on its previous stance. Amnesty have raised concerns surrounding the legal framework in place in Libya, the head of the international justice team at Amnesty International, Marek Marczyński, stated “[t]hey hired foreign lawyers to work on the case but that's not enough, they need a justice system that works.” (DW, 2012).

The decision to leave the prosecution to the Libyan authorities has not reflected well upon the application of the concept of common humanity. In July 2015, Libya’s government convicted thirty al-Gaddafi-era officials, which included nine death sentences. Saif Al-Islam Gaddafi and Abdullah Al-Senussi were among these nine sentenced to death (Amnesty International, 2015). There has been criticism regarding the procedure of this trial and concerns about the ability to deliver justice. In many cases defendants have been interrogated without their lawyer present, and at other times they have only been appointed lawyers well after the trial has begun. Additionally, there have also been reports that the defendants have been tortured (Amnesty International, 2015). This trial has been rife with flaws that demonstrate Libya’s inability to run legitimate trials. Philip Luther, Middle East and North Africa Programme Director at Amnesty International, stated, “[i]nstead of helping to establish the truth and ensuring accountability for serious violations during the 2011 armed conflict, this trial exposes the weakness of a criminal justice system which is hanging on by a thread in a war-torn country with no central authority” (Amnesty International, 2015, para. 3). Amnesty has continued to show support for the extradition of Saif Al-Islam Gaddafi and the others to the ICC. There is a belief that this is the only way he and the others on trial will receive a fair trial (Amnesty International, 2015).

International military tribunals have had labels of 'victors justice' since they began, the International Military Tribunal at Nuremberg and the Military Tribunal for the Far East certainly both fell into this category. However, as discussed, the alternative of leaving a state to prosecute their own people also has problems. The war trials in Libya have demonstrated the problems of politicizing the concept of common humanity. The trials have reflected the political reality of the situation, and that is the victor gets to choose who is punished. Unfortunately the trials have not been guided by a higher morality that seeks to bring all those that have committed atrocities to justice.

The humanitarian intervention in Libya demonstrates the difficulties in invoking common humanity. Was the intervention successful in bringing an end to the ongoing crimes that shock the conscience of mankind? In the case of Libya the high number of casualties, the exceeding of the mandate and the difficulty in prosecuting war criminals raised doubts about the ability to wage a war for humanity. The last section explores the post intervention, and reconstruction state of Libya with this further reinforcing the idea that an intervention that reflects the concept of common humanity is not possible.

Part Four: Post-Intervention Libya and the Lack of Common Humanity

The intervention in Libya used the notion of common humanity in order to gain legitimacy. It was argued that it was essential to intervene in order to protect civilian lives. If the reason for intervention into Libya was humanitarian then the question must be asked as to why more support was not offered in the rebuilding phase and why there is not further intervention now. Since NATO forces left after Gaddafi was killed, Libya has deteriorated into violence and instability. Libya has been left to deal with its own problems, as the international community withdrew and believed that the Libyans were responsible for picking themselves up from the mess (Chorin, 2013, p. 380). The proponents of RtoP and common humanity have ignored the ongoing issues in Libya, with many going as far to say that the intervention was successful and a prime example of when humanitarian intervention works or is necessary. Romeo Dallaire, in an address to the Canadian Senate, stated that Canadian forces had saved lives and helped the country of Libya, while director of the Global Center for the Responsibility to Protect (GCR2P), Simon Adams, described the intervention as 'the lesser of two evils' (Moses, 2014, p. 115). The deterioration of Libya, however, suggests that the intervention was not successful.

Libya has been left to fend for itself, with there being too little in the way of aid and support to allow for a peaceful transition into a functioning state. In October 2011, NATO ended Operation Unified Protector and stopped all military operations, thus leaving Libya in a state of instability. The UN

Support Mission in Libya (UNSMIL) was not sufficient to meet the social, political, economic, and military challenges that it was presented with (Berti, 2014, p. 37). Compounding this issue, only a fraction of the international humanitarian organizations that were operating in Libya have stayed for the rebuilding phase, and those that have stayed have been criticized for being ineffective by the Libyans (Chorin, 2013, p. 383).

In addition to the lack of ground support there has also been a lack of monetary aid post intervention. Financing for the rebuild has been much lower than other rebuilding efforts in Afghanistan and Iraq, with the money spent being in the millions as opposed to the hundreds of billions that was spent in Afghanistan and Iraq (Chorin, 2013, p. 382). It is clear, then, that there has been minimal support for the Libyans post-intervention. Before US Ambassador J. Christopher Stevens was killed in the attack on the US mission in Benghazi on September 11, 2012, he had argued that a strong international effort was needed to restore Libyan confidence in a successful transition. Repairing Benghazi, he argued, was the key to a successful transition given that Benghazi had suffered the most under Gaddafi and was still extremely underdeveloped (Chorin, 2013, p. 383, 384).

The lack of support post-intervention contributed to the fragmentation of Libya and since then violence has escalated and has been largely ignored by the international community. The newly-elected President of Libya only lasted a month before a vote of no confidence was passed and, following this, turmoil ensued with revenge killings being undertaken against suspected Gaddafi supporters (Kuperman, 2013, p. 125). This form of anarchy is widespread, with human rights abuses being carried out by all sides of the conflict as Libya drifts further into lawlessness (Greenwald & Hussain, 2014). On this topic, NATO and its allies have remained quiet and there is no longer humanitarian enthusiasm being espoused by the West despite Libya falling into anarchy, violence, and militia rule (Greenwald & Hussain, 2014). The lack of a call to intervene is in contradiction to the rhetoric used to justify the intervention in the first place (Greenwald & Hussain, 2014). This suggests that it is difficult, if not impossible, to maintain a commitment to a principle of common humanity in interventions. Certainly in the case of Libya the international community has not responded in a manner that reflects our common humanity. If the concept of common humanity was a strong motivating factor for interventions there should have been a call to re-enter Libya and to stay until a stable, peaceful order had been established.

The deployment of RtoP in Libya should have prevented Libya falling further into crises. However, instead the use of RtoP demonstrates the difficult task in putting a commitment to common

humanity into practice. One of the key components of RtoP has been ignored, this being the rebuilding phase after an intervention. This takes place in order to assist the state to get back on its feet. Without outside assistance a country is likely to enter, or re-enter, a civil war as factions vie for power (ICISS, 2001, p. 13). For RtoP to have been appropriately applied there would have to be further support from the international community as it is one of the key components of RtoP, yet the rebuilding phase has not been carried out.

Finally, post-intervention there has been reluctance on behalf of the states that either participated in or supported the intervention to accept increased refugee quotas, raising further cynicism about the humanitarian quality of the intervention. Since the end of the intervention Amnesty International has criticised European governments for not accepting more refugees. Over 30,000 people fled from Libya into Europe and yet only 700 across all of Europe were granted asylum (Davidson, 2013, p. 316). Considering the hardship the civilians of Libya face, many have opted to flee the country, many of these try to cross the Mediterranean and enter into Europe, with Italy having a notably high influx of refugees from Libya. In 2014, 219,000 people arrived in Europe from war torn countries in North Africa, not just from Libya, with 3,500 people dying on the journey over (BBC, 2015). This has sparked the European Commission to make a proposal at the EU whereby EU members will be forced to take a certain quota of refugees per year, with this being discussed in late June 2015 (BBC, 2015). The United Kingdom, amongst other European countries, has rejected this idea and have declared that it will oppose any move to enforce refugee quotas (BBC, 2015). The French have also declared that a refugee quota is out of the question, although in this case the government has changed with Sarkozy, who initiated the intervention, not being re-elected (DW, 2015). If common humanity was really at the forefront of consideration then surely the NATO allies should entertain the idea of increasing refugee quotas in order to relieve the number of people suffering in a war torn country. Why would a state be willing to kill in the name of humanitarianism and then be unwilling to undertake a much more passive form of humanitarian aid in the form of increased refugee quotas?

The post intervention response on behalf of the international community reinforces the problems associated with effectively implementing the concept of common humanity in a practical situation. There was a lack of commitment to support Libya in the rebuild and then it was ignored when further civil war broke out. Additionally, if the intervening states were so concerned about alleviating suffering it is rather striking that they have not been more willing to assist the thousands of refugees that are coming out of Libya. There has not been a sufficient response from the international community to indicate that they care about the suffering of the Libyan people, and

they have certainly not responded in a way that shows that they believe in the concept of common humanity. If common humanity could be effectively politicized there would be a push to offer assistance to Libya in its current plight and an acceptance of increased refugee quotas.

Conclusion

The vast majority of wars are justified on moral grounds to gain legitimacy, but in reality there are always underlying factors that are of far greater concern to the intervening powers. Libya was no different. The intervening states justified the intervention upon two criteria, humanitarianism and the defence of state, regional, and world security. The UN called upon the international community to respond to the atrocities, invoking RtoP, giving the intervening forces a legal mandate in the form of Resolution 1973, however, they did not have a say in how the military operation was undertaken. The rhetoric used at the start of the intervention arguing that there was an obligation to act for our common humanity in order to save the lives of those that could not protect themselves only went so far. The operation demonstrated some of the flaws of politicizing the use of common humanity in a practical situation. Alongside this there was a hesitancy to throw full support behind the rebuilding effort when human suffering could have been alleviated. The case study of Libya demonstrates the difficulties of achieving a successful humanitarian intervention that reflects the concept of common humanity. The desire to act in order to stop atrocities and bring about peace for helpless people is understandable but when the practical realities of the situation are examined it is clear that the political use of common humanity may not bring an end to such suffering. The rise in international institutions, RtoP, and the importance of the international community is apparent, but it is naive to assume that the sense of 'global community' is so strong that it can bring an end to human suffering worldwide.

Conclusion

The concept of common humanity has gradually emerged in international politics and has been used to justify humanitarian interventions. There was a frequent rise in rhetoric that espoused language referring to common humanity and this is best seen as culminating in the ICISS report of 2001 and the acceptance of RtoP principles at the UN World Summit in 2005. The arguments put forward revolve around the idea that there has been a general rise in liberalism, human rights, and universal values and because of this the human race stands above traditional notions of statehood and sovereignty. Therefore, in cases where a group of people are being exposed to atrocities, our common humanity means that we are obliged to act in their defence because we live in an age defined by human rights and universal values and should be striving for a cosmopolitan world.

However, this is disputed in the third chapter as the claims made by the proponents of the concept of common humanity are refuted by the critics, arguing that the concept of common humanity is a flawed one. Opposed to the cosmopolitan belief that all people share the same universal rights, the communitarian approach examined argues that a group of people get their understandings of rights from the community they are raised in. Stemming from this is the rejection of universal conceptions of community and universal rights. In reality the world is made up of divisions between groups of people/states that have their own identities and concepts of values which creates a very real 'us' and 'them' dynamic to international politics. Because of this dynamic the critics of the concept of common humanity are sceptical of the ability to carry out humanitarian interventions for the sake of common humanity. The realists and poststructuralists examined concur that identity, values and morality come from very specific conditions and states and when these identities are determined to be universal and apply to everyone it leads to the exploitation of states who do not conform to this 'universal' set of values and beliefs.

The final chapter examines the practical implementation of common humanity in international politics. In the case of Libya the concept of common humanity was used as a motivating factor behind the intervention and RtoP was invoked, however, in practice the objectives laid out in RtoP were not achieved. Additionally, the theoretical arguments in favour of the concept of common humanity did not come to fruition. During the intervention issues concerning the protecting of civilians, trialling the guilty, and rebuilding the state became apparent. The outcome of the intervention demonstrates that Libya is a far cry from being part of a cosmopolitan utopia. This may be because of a failed interventionist operation, or perhaps more likely, any intervention undertaken

under the premise of common humanity will be problematic as the implementation of the concept of common humanity is inherently difficult as demonstrated in chapter three.

The case of Libya demonstrates that the politicization of humanity is problematic, suggesting that international politics is not currently guided by universal concepts of morality and values which undermines the applicability of the concept. The concept of common humanity was used to legitimize the military intervention but without success. The supporters of the concept of common humanity will argue that the reason for the lack of success in practically applying this concept is down to a lack of political will or resources; it is not to say common humanity cannot be applied in order to stop atrocities but rather there needs to be more effort on behalf of the international community in order to make the concept of common humanity a reality.⁸ The critics of the concept of common humanity take a different approach arguing that the world is built upon a community/state system where difference is a key part of international politics, there is no universal bond between peoples and states; rather they operate in their own spheres looking out for their own interests. Because there is no shared concept of humanity the concept of common humanity can be abused by the powerful in order to coerce other states to conform to the super powers; ideology, identity, and values opposed to a real concern for the suffering of others. In relation to common humanity this argument pushes toward the conclusion that it is dangerous and undesirable to politicize the concept as it serves to eradicate the natural state of pluralism in international politics. The case of Libya demonstrates the difficulties of carrying out a humanitarian intervention for the sake of humanity. The ideals expressed from the liberals and cosmopolitans have not come to pass, instead the region has deteriorated into chaos. In light of the events in Libya perhaps it is wise to re-evaluate the use of the concept of common humanity and be more cautious with its use in the future.

Future of Common Humanity and Humanitarian Intervention

Based upon the criticisms of the concept of common humanity, as illustrated by the failings of the intervention in Libya, it would seem as though there is not a bright future for common humanity in international politics. However, Libya was not the first and more than likely will not be the last case of the concept of common humanity being used to justify an intervention. Certainly in the current political climate the concept of common humanity is not applicable but there is always possibility for change.

⁸ See the cosmopolitan scholarship on this. i.e. Held, Slaughter, etc. In chapter two.

International law is constantly in flux and it is possible that the concept of common humanity will become a more meaningful norm in the future. The protection of civilians is a recent form of international law, one that is still contested but is emerging as a norm in the international arena. Javier Perez de Cuellar, the former United Nations Secretary General, declared that, “we are clearly witnessing what is probably an irresistible shift in public attitudes toward the belief that the defence of the oppressed in the name of morality should prevail over frontiers and legal documents” (Christopher, 1996, p. 108). To demonstrate the changing face of international law one can look at both slavery and genocide, both were considered matters that did not concern external parties. Over time, however, these ideas have changed and new international customs have emerged (Duke, 1994, p. 35). This shows that law is not static. However, turning the norms associated with human rights into a theoretical notion of law, and getting other states to agree to these norms is one thing, but enforcing these norms is quite another matter (Thornberry, 1980, p. 256). This is the crux of the difficulties facing the concept of common humanity; thus far there has not been an answer as how to enforce the concept successfully.

It remains to be seen how the international community will react to RtoP. It may become even more polarizing and lose support or it may be embraced as a way to effectively deal with rogue regimes and bring the international community together. It also remains to be seen if this is an emerging norm or if the aggression is seen as an abuse of the system that may lead states within the UN to seek to alter it in the future. It is important to understand the key powers’ positioning on the concept of common humanity. As already explained in the third chapter, powerful states have much sway when it comes to influencing international politics. Specifically, humanitarian interventions normally fall to the world, or a regional hegemon, in terms of the operation. However, there are differing opinions on the concept of common humanity in terms of legitimising an intervention. The Chinese government, for example, sees human rights as a domestic issue, not a universal issue (Duke, 1994, p. 34). It is clear that Chinese foreign policy holds state sovereignty to be above universal human rights and in the eyes of the Chinese the concept of common humanity has not entered into the international arena as something that can be used in order to justify a humanitarian intervention. This is the stance of one of the superpowers and other states’ positions differ, but if one of the most powerful states in the world opposes such a concept it looks as though it will face significant challenges in the future. For common humanity to become a viable component of international politics these superpowers, such as China, have to be committed to the concept, as does the rest of the world.

The future remains to be seen making it difficult to speculate on the future of the concept of common humanity in international politics. Based upon recent events in Libya, the future does not look too bright. This was an intervention to showcase RtoP and common humanity and yet it fell well short of being considered a success in the name of RtoP or common humanity. There have certainly been strides towards universal rights in the last sixty-five years but the successful implementation of these rights and the concept of common humanity remain elusive. In the age of promoting democracy, human rights, and humanitarian intervention it is important to look at the evidence of what exactly humanitarian intervention is achieving. If such interventions are in fact not preventing conscience shocking acts, or paving the way for a future without despotic regimes that abuse human rights, it suggests that there is a long way to go before the visions of Kofi Annan, the ICISS, and certain cosmopolitan theorists can come to pass.

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